

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Chapter 11
SUFFERN PARTNERS LLC, Case No.
Debtor. 21-22280-shl

RS OLD MILLS RD, LLC,
Plaintiff,
v. A.P. No.
SUFFERN PARTNERS, LLC, 21-07027-shl
Defendant.

- - -
August 24, 2021
- - -

Remote oral deposition of
AVROHOM KAUFMAN, conducted at the location
of the witness in Brooklyn, New York,
commencing at 9:30 a.m., on the above
date.

Magna Legal Services
866-624-6221
www.MagnaLS.com

Marie Foley
RMR, CRR

1

2 ALL APPEARANCES VIA REMOTE ZOOM TECHNOLOGY:

3

4 LOCKE LORD LLP

5 BY: DONALD E. FRECHETTE, ESQUIRE

6 20 Church Street

7 20th Floor

8 Hartford, Connecticut 06103

9 860.525.5065

10 dfrechette@lockelord.com

11 BY: CASEY HOWARD, ESQUIRE

12 Brookfield Place

13 200 Vesey Street

14 20th Floor

15 New York, New York 10281

16 212.415.8600

17 choward@lockelord.com

18 Representing the Plaintiff

19

20

21

22

23

24

25

1

2 ALL APPEARANCES VIA REMOTE ZOOM TECHNOLOGY:

3

4 THOMPSON COBURN HAHN & HESSEN LLP

5 BY: STEPHEN J. GRABLE, ESQUIRE

6 STEVEN R. AQUINO, ESQUIRE

7 GILBERT BACKENROTH, ESQUIRE

8 488 Madison Avenue

9 New York, New York 10022

10 212.478.7200

11 sgrable@hahnhausen.com

12 Representing the Defendant

13

14

15 REBAR KELLY

16 BY: PATRICK J. HEALEY, ESQUIRE

17 800 Third Avenue

18 28th Floor

19 New York New York 10022

20 212.858.9970

21 phealey@rebarkelly.com

22 Representing the Riverside Abstract, LLC

23

24 ALSO PRESENT REMOTELY:

25 David Solomon

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BY: MR. GRABLE.....	
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REPORTER'S CERTIFICATE.....	

- - -

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9:31 a.m.

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- - -

5

MR. GRABLE: Good morning.

6

Stephen Grable on behalf of Suffern

7

Partners LLC.

8

It is 9:30 a.m. on August 24th,

9

2021. We are here for the deposition

10

of Avrohom Kaufman as noticed in the

11

matter RS Old Mills Road LLC versus

12

Suffern Partners LLC.

13

On the Zoom conference right now

14

is counsel for RS Old Mills Road LLC,

15

as well as Avrohom Kaufman, as Casey

16

Howard and Donald Frechette of the

17

Locke Lord firm. You have myself,

18

Steven Grable, Steven Aquino, and

19

Gilbert Backenroth of the Thompson

20

Coburn Hahn and Hessen LLP firm for

21

Suffern Partners LLC. And Patrick

22

Healy is on the line as well on behalf

23

of Riverside Abstract, LLC.

24

The witness has not yet arrived

25

We will wait another 15 minutes to

1

2 9:45. Hopefully he's just running a
3 few minutes late, and then we'll come
4 back on the record and see if he's
5 here.

6 We can go off. Thank you, Ms.
7 Foley.

8 (Recess taken.)

9 MR. GRABLE: It is now 9:45 a.m.

10 Avrohom Kaufman has still not
11 appeared for his deposition. We will
12 give him another 15 minutes until 10
13 a.m., and if he doesn't appear at that
14 time, we'll take the default.

15 We can go back off. We'll come
16 back at 10.

17 Thank you, Ms. Reporter.

18 (Recess taken.)

19 THE STENOGRAPHER: All parties
20 to this deposition are appearing
21 remotely and have agreed to the
22 witness being sworn in remotely.

23 Mr. Kaufman, if I could ask you
24 to raise your right hand, please.

25

- - -

1

2 AVROHOM KAUFMAN, the Witness herein,
3 having been first duly sworn by a
4 Notary Public in and of the State of
5 New York, was examined and testified
6 as follows:

7 EXAMINATION BY

8 MR. GRABLE:

9 Q. Good morning, Mr. Kaufman. My
10 name is Stephen Grable. I'm an attorney
11 for Suffern Partners LLC.

12 A. Okay.

13 Q. Can you hear me okay?

14 A. A little bit. Not so okay. But
15 how are you.

16 Q. Good.

17 It looks like you're in a car
18 and you're driving somewhere; is that
19 correct?

20 A. Yes.

21 Q. Do you need to get somewhere in
22 order to be ready to be deposed today?

23 A. I'm stopping. I was riding. I
24 was with my office. I'm stopping in the
25 side over here.

1

2 Q. How soon will you be at your
3 office?

4 A. I'm not going to be in my
5 office. I can't talk in my office. Too
6 hectic.

7 Q. You're --

8 A. What?

9 Q. You're planning to conduct this
10 entire deposition in your car today; is
11 that correct?

12 A. My office is too busy for that.
13 I can't do my office.

14 If you want, I can go to house
15 of someone. I don't live in next to my
16 office, so.

17 Q. Mr. Kaufman, how long have you
18 known about today's deposition?

19 A. How long I've known today's
20 deposition? I've known a week or two.

21 Q. A week or two?

22 A. Few days, yeah.

23 Q. Have you ever been deposed
24 before?

25 A. What?

1

2 Q. Have you ever been deposed
3 before?

4 A. No.

5 MR. FRECHETTE: May I interrupt
6 a moment, Mr. Grable?

7 MR. GRABLE: Please.

8 MR. FRECHETTE: As I mentioned
9 to you during one of our telephone
10 conversations concerning Mr. Solomon,
11 Mr. Kaufman, there's a language
12 barrier here. So you might want to
13 ask your questions a little bit
14 slowly, as reasonably -- as you can
15 reasonably do, to give him time to
16 process to the extent he's capable of
17 doing so.

18 MR. GRABLE: Sure.

19 Thank you, Mr. Frechette.

20 BY MR. GRABLE:

21 Q. Mr. Kaufman, do you speak
22 English?

23 A. It's not my -- my language -- my
24 first language, but I speak English.

25 MR. GRABLE: We can't hear you,

1

2 Mr. Kaufman. Are you on mute?

3 (Pause.)

4 MR. GRABLE: Mr. Kaufman, we
5 cannot hear you.

6 (Pause.)

7 MR. GRABLE: We are still unable
8 to hear you, Mr. Kaufman.

9 MR. FRECHETTE: Steve, perhaps
10 you want to, which seems to have
11 become the universal sign in Zoom,
12 point to your ear as unable to hear.

13 MR. GRABLE: Mr. Kaufman, we
14 cannot hear you.

15 THE WITNESS: Call you back.

16 MR. GRABLE: Okay.

17 Please call us back.

18 It is now 9:52 a.m.

19 Mr. Kaufman had appeared
20 momentarily, it looked like as a
21 passenger in a motor vehicle. He had
22 a very bad connection, in addition to
23 a choppy video. We've asked him to
24 call back in.

25 We will go off the record until

1

2 such time as he does so.

3 (Recess taken.)

4 BY MR. GRABLE:

5 Q. Mr. Kaufman, who's in the
6 vehicle with you?

7 A. Mr. Solomon.

8 Q. What's Mr. Solomon's first name?

9 A. David.

10 Q. Where does David Solomon reside?

11 A. What do you mean where does he
12 reside?

13 Q. Where is Mr. David Solomon's
14 residence?

15 A. He lives in upstate. He's here
16 now today.

17 Q. Does Mr. Solomon know that he
18 was asked to be deposed in connection with
19 this case?

20 A. I don't know.

21 Q. Why are you with Mr. Solomon
22 today?

23 A. Why Mr. Solomon? Because I
24 wanted should be with him. He's here. I
25 wanted to.

1

2 Q. Mr. Solomon has the ability to
3 signal you, correct?

4 A. I can't hear you.

5 Q. Mr. Solomon has the ability to
6 give you signals with his hands, correct?

7 A. He has me -- he has a -- he's
8 not -- I'm here, but I took him here
9 because I wasn't -- I wanted he should be
10 with me 'cause my English because.

11 Q. Why do you need Mr. Solomon with
12 you today for purposes of this deposition?

13 A. I -- I told you because my -- in
14 case -- my English is -- my language, my
15 English. So I wanted he should be here.

16 Q. Are you suggesting that Mr.
17 Solomon is serving as your interpreter
18 today?

19 A. What?

20 Q. Is Mr. Solomon serving as an
21 interpreter for you today?

22 A. Something like that.

23 Q. How long have you known Mr.
24 Solomon?

25 A. I know for years.

1

2 Q. Have you ever heard of the
3 entity RS Old Mills Road LLC?

4 A. Yes.

5 Q. How have you heard of that
6 entity?

7 A. Again?

8 Q. What is your familiarity with
9 that entity?

10 A. Through -- through the --
11 through the case.

12 Q. Are you the 100 percent member
13 of RS Old Mills Road LLC?

14 A. Yes.

15 Q. Are there any other members --

16 A. No.

17 Q. -- of RS Old -- are there any
18 directors of RS Old Mills Road LLC?

19 A. No.

20 Q. Are there any officers of RS Old
21 Mills Road LLC?

22 A. No.

23 Q. Are there any employees of RS
24 Old Mills Road LLC?

25 A. No.

1

2 Q. You indicated earlier this is
3 your first time being deposed, correct?

4 A. Okay.

5 Q. Is this your first time being
6 deposed?

7 A. I answered. Yes.

8 Q. I want to go over a few ground
9 rules just so that you are clear on what's
10 going to happen.

11 This deposition is being
12 transcribed. There is an individual on
13 the line who is recording every word that
14 I say and every word that you say. So it
15 is important that we speak one person at a
16 time.

17 Do you understand that?

18 A. Okay.

19 Q. That requires that you answer --
20 why are you looking at Mr. Solomon?

21 A. I did not look at Mr. Solomon.

22 Q. What were you looking at?

23 A. At the -- on the window.

24 Q. Why were you looking out the
25 window?

1

2 A. For a reason. Somebody passed.

3 I don't know what's come in here. I'm

4 trying -- I do not look at the window?

5 Q. Mr. Kaufman, are you able to

6 focus on today's deposition?

7 A. Yes.

8 Q. You are capable of answering

9 questions today?

10 A. I hope so.

11 Q. Are you under any medication

12 that would affect your ability to testify

13 today?

14 A. No.

15 Q. I'm going to be asking you a

16 series of questions. You're required to

17 answer those questions unless your counsel

18 directs you not to answer.

19 Do you understand that?

20 A. Okay.

21 Q. If at any point you don't

22 understand the question I've asked, please

23 let me know and I will restate it or

24 clarify it for you.

25 A. Got it.

1

2 Q. Do you understand that?

3 Mr. Kaufman, you're comfortable
4 with the English language, correct?

5 A. I told you, it's not my first
6 language, but it -- sometimes I -- I speak
7 my first language is a little language.
8 It's a little hard times, but --

9 Q. Are you here today as a
10 corporate representative of RS Old Mills
11 Road LLC?

12 MR. FRECHETTE: Objection.

13 THE WITNESS: Hello?

14 BY MR. GRABLE:

15 Q. Yes, you can answer my question.
16 Are you here today --

17 A. What? As a what?

18 Q. As a corporate representative of
19 RS Old Mills Road LLC.

20 A. Yes.

21 Q. Are you represented today by
22 counsel?

23 A. Represented by what?

24 Q. Are you represented today by
25 attorneys?

1

2 A. Yes.

3 Q. Who are the attorneys
4 representing you today?

5 A. What's the name again? What's
6 the name?

7 I forget the names by heart. I
8 don't remember the names by heart, but
9 their names, they're three people there.
10 I don't remember the names. I'm bad at
11 names.

12 Q. Does the Locke Lord law firm
13 represent you?

14 A. Yes.

15 I don't remember the names,
16 but -- ask me Stephen Grable's name in ten
17 minutes I won't remember that too.

18 Q. Did you speak with anyone in
19 preparation for today's deposition?

20 A. Yes.

21 Q. Who did you speak with?

22 A. Lawyer.

23 Q. I'm sorry. Could you say that
24 again?

25 A. The lawyers.

1

2 Q. Did you speak with anyone else
3 in preparation for today?

4 A. No.

5 Q. Did you speak with David Solomon
6 about today's deposition?

7 A. No.

8 Q. How did Mr. Solomon know to pick
9 you up for today's deposition?

10 A. Did not pick me. I told me he's
11 in Brooklyn. I told him I picked him up.

12 MR. FRECHETTE: Stephen.

13 MR. GRABLE: Yes, Don.

14 MR. FRECHETTE: We need to take
15 a break.

16 MR. GRABLE: Very good. Thank
17 you, Don.

18 (Recess taken.)

19 MR. FRECHETTE: Mr. Grable, if
20 you could again pose your questions
21 concerning any matters relating to
22 preparation for the deposition,
23 including the last two or three
24 questions that were asked, that might
25 be helpful.

1

2 BY MR. GRABLE:

3 Q. Mr. Kaufman, did you just have a
4 conversation with your counsel and David
5 Solomon?

6 A. I have a conversation with my
7 counsel.

8 Q. Was Mr. Solomon present?

9 A. Solomon is present, yes.

10 Q. Could he hear that conversation?

11 A. He hear me talking to them.

12 Q. What did you discuss?

13 MR. FRECHETTE: Objection.

14 You're not going to invade the
15 attorney/client privilege.

16 To the extent the man needs help
17 interpreting things, he's got a right
18 to have somebody there with him.

19 So I'm going to instruct him not
20 to answer that question.

21 I told you when we discussed Mr.
22 Solomon that there was a language
23 barrier here.

24 MR. GRABLE: Don, you're
25 instructing your client not to answer

1

2 questions concerning discussions he
3 had between you, he and Mr. Solomon;
4 is that correct?

5 MR. FRECHETTE: No, that's not
6 correct.

7 I'm instructing him not to
8 answer a question regarding a
9 discussion he had with me that was
10 interpreted for him by Mr. Solomon.

11 BY MR. GRABLE:

12 Q. Mr. Kaufman, is Mr. Solomon
13 still present in the vehicle with you?

14 A. Now at the moment he's not.
15 He's went out to make a phone call, if you
16 want to know.

17 MR. GRABLE: We're going to
18 require that Mr. Solomon, if he's
19 going to participate or be listening
20 in on this deposition, that he be on
21 camera. So he's going to need to dial
22 in when he returns.

23 MR. FRECHETTE: You don't have
24 the right to require that.

25 MR. GRABLE: Don, we are

1
2 requiring that.

3 There's no capability here to
4 see what type of communications or
5 signaling may be occurring between
6 Avrohom Kaufman, the witness, and
7 David Solomon, an individual who is
8 not represented in these proceedings
9 who we've been trying to get in for a
10 deposition, who we have been unable to
11 serve, and who mysteriously appeared
12 today in a moving vehicle for Mr.
13 Kaufman's deposition.

14 I think it's an absolutely fair
15 request.

16 MR. FRECHETTE: Whether it's a
17 fair request is not the issue. The
18 issue is whether or not you have the
19 right to require it at this particular
20 point in time.

21 And if you want to exclude Mr.
22 Solomon, I think you have a right to
23 do that. But in terms of requiring
24 him to appear on camera.

25 Now, I will say, if you do that,

1
2 however, there is a significant
3 likelihood that the language barrier
4 will only be further -- further
5 heightened. But I would have hoped we
6 would have had an interpreter here
7 today, but unfortunately not.

8 MR. GRABLE: Don, I would have
9 hoped we would have been in person
10 like I requested. I would have hoped
11 I could have gotten exhibits to Mr.
12 Kaufman like I offered. I would have
13 hoped Mr. Kaufman would be in a
14 physical location, not in a moving
15 vehicle, where he would be capable of
16 being deposed in a reasonable fashion.
17 But I am not in control of these
18 things, so we are proceeding as best
19 we can.

20 If you will agree --

21 MR. FRECHETTE: I understand --

22 THE WITNESS: You want me to go
23 to office, I can go somebody's office,
24 if you want. But my office I can't do
25 it. I am trying -- it's too hectic

1

2 there.

3

 MR. FRECHETTE: If you want him
4 to go to his office, Stephen, and we
5 can reconvene, that's fine.

6

 As I said, you certainly have
7 the right to tell him that Mr. Solomon
8 can't be present, but I don't believe
9 you have the right to compel Mr.
10 Solomon take any actions. He's not
11 under subpoena.

12

 MR. GRABLE: Mr. Kaufman, how
13 quickly can you be to your office?

14

 THE WITNESS: For my office, a
15 few minutes, if you want.

16

 MR. GRABLE: You can be to your
17 office in ten minutes.

18

 Is that correct?

19

 THE WITNESS: In ten minutes to
20 a different office. My office is too
21 hectic. I was trying, but it's not
22 going to work for my office.

23

 MR. GRABLE: Why don't we take a
24 break off the record. You get to a
25 physical location, wherever you feel

1

2 is appropriate, and we will reconvene
3 at 10:30.

4 THE WITNESS: Okay.

5 MR. FRECHETTE: Sounds fair.

6 Thank you.

7 MR. GRABLE: We'll go off the
8 record.

9 (Recess taken.)

10 MR. FRECHETTE: Mr. Grable, as I
11 mentioned to you off camera before we
12 got back on the record, it is our
13 expectation that Mr. Kaufman is no
14 longer in the presence of Mr. Solomon.
15 And you are certainly free to inquire
16 as you deem necessary.

17 BY MR. GRABLE:

18 Q. Mr. Kaufman, you have found an
19 office, correct?

20 A. Yes. As I said, yes.

21 Q. Where are you located?

22 A. In Brooklyn, in an office.

23 Q. Where is the office, the
24 address?

25 A. It's a office.

1

2 Q. What is the street address and
3 number of the office you are located?

4 A. 53rd Street.

5 Q. I'm sorry. Say that again?

6 A. 53rd Street.

7 Q. And what is the number?

8 A. It's my -- it's my nephew's
9 office.

10 Again, is this need for to know?
11 You asked me for my car before, I didn't
12 tell you where my car was parked. I'm
13 just asking why you need to know here.

14 Q. Mr. Kaufman, do you know the
15 address where you are physically located
16 at the moment?

17 A. Yes, but I'm asking just why is
18 this important to know or what?

19 Q. You're not asking questions
20 today. I am asking questions. You are
21 answering --

22 A. I'm just asking -- okay. I'm
23 at --

24 Q. My question is --

25 A. -- my nephew's office.

1

2 Q. What is the address of your
3 nephew's office?

4 A. It's 1152 53.

5 Q. And who is your nephew?

6 A. Chaim Berkowitz.

7 Q. Mr. Kaufman, did you speak with
8 anyone in preparation for today's
9 deposition?

10 A. If I spoke to -- spoke to
11 yesterday when I went spoke to lawyer, my
12 nephew helped me understand a few things.

13 Q. Who is your nephew?

14 A. David Solomon.

15 Q. What did David Solomon help you
16 understand yesterday?

17 A. When I had some questions or I
18 didn't understand or something, I -- he
19 helped me understand the questions.

20 Q. What questions did you ask Mr.
21 Solomon?

22 A. I don't remember exactly, but
23 was -- when it came need something to
24 know, something that I -- I don't remember
25 exactly what it was.

1

2 Q. What, generally, did you discuss
3 with David Solomon yesterday?

4 MR. FRECHETTE: Excuse me.

5 Mr. Kaufman, to the extent Mr.
6 Solomon served as a translator and
7 passed information from me to you or
8 from you to me, I do not want you to
9 reveal the content of those
10 communications.

11 If Mr. Solomon provided you with
12 any other information that was not
13 necessary to a simple understanding or
14 bridging of a language gap, then you
15 can answer those questions.

16 THE WITNESS: I don't get it. I
17 don't understand that one.

18 If the what?

19 MR. FRECHETTE: If you have to
20 reveal a communication that you had
21 with me through Mr. Solomon, don't do
22 that.

23 Otherwise, if Mr. Solomon
24 independently provided you with
25 information, you are free to answer

1

2 that question.

3

THE WITNESS: Okay.

4

The what? I'm trying to figure

5

out.

6

MR. FRECHETTE: Steve, go ahead

7

and make whatever record you feel you

8

need to make.

9

BY MR. GRABLE:

10

Q. Mr. Kaufman, your conversations

11

yesterday with David Solomon, did they

12

involve the Locke Lord law firm?

13

A. The what?

14

Q. You had conversations with David

15

Solomon yesterday, correct?

16

A. Yes.

17

Q. Was anyone else involved in

18

those conversations?

19

A. No.

20

Q. Do you recall what those

21

conversations were generally about?

22

A. Was about the -- with the case,

23

things I didn't understand.

24

Q. Mr. Kaufman, is someone in the

25

room with you? You keep looking to your

1

2 left.

3 A. No. I'm looking around the room
4 over here. It's my -- it's an -- I'm
5 sitting in an office.

6 Q. Is anyone in the room with you?

7 A. No.

8 Q. Can anyone hear this deposition?

9 A. No.

10 Q. Prior to your discussions with
11 David Solomon yesterday, did you ever have
12 discussions with anyone else about this
13 case?

14 A. No.

15 Q. Have you ever spoken to Yehuda
16 Solomon about this case?

17 A. I don't remember.

18 Q. Have you ever spoken to an
19 individual named Marty Stern about this
20 case?

21 A. Not that I recall.

22 Q. Do you know Marty Stern?

23 A. I heard that name, yes.

24 MR. GRABLE: I see we have a new
25 individual on the line. Suzanne,

1

2 could you just identify yourself,
3 please.

4 (Suzanne Pastor resumes
5 reporting of the deposition at this
6 time.)

7 (Time noted: 10:45 a.m.)

8

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A C K N O W L E D G M E N T

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4

STATE OF)

5

: ss

6

COUNTY OF)

7

8

I, AVROHOM KAUFMAN, hereby

9

certify that I have read the transcript of

10

my testimony taken under oath in my

11

deposition of August 24, 2021; that the

12

transcript is a true and complete record

13

of my testimony, and that the answers on

14

the record as given by me are true and

15

correct.

16

17

18

AVROHOM KAUFMAN

19

20

Signed and subscribed to before me this

21

_____ day of _____, 20__.

22

23

24

Notary Public, State of

25

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E R R A T A

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PAGE / LINE / CHANGE / REASON

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C E R T I F I C A T E

3

STATE OF NEW YORK

4

COUNTY OF NEW YORK

5

6

I, Marie Foley, RMR, CRR, a

7

Certified Realtime Reporter and Notary

8

Public within and for the State of New

9

York, do hereby certify:

10

THAT AVROHOM KAUFMAN, the witness

11

whose deposition is hereinbefore set

12

forth, was duly sworn by me and that such

13

deposition is a true record of the

14

testimony given by the witness.

15

I further certify that I am not

16

related to any of the parties to this

17

action by blood or marriage, and that I am

18

in no way interested in the outcome of

19

this matter.

20

IN WITNESS WHEREOF, I have

21

hereunto set my hand this 25th day of

22

August, 2021.

23

24

MARIE FOLEY, RMR, CRR

25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No. 21-22280-shl

-----X

IN RE : Chapter 11
SUFFERN PARTNERS, LLC,
DEBTOR.

-----X

RS OLD MILLS ROAD, LLC,
PLAINTIFF,

A.P No.

-against-
21-07027-shl

SUFFERN PARTNERS LLC,

DEFENDANT.

-----X

DATE: August 24, 2021

TIME: 10:40 a.m.

CONTINUED DEPOSITION of AVROHOM
KAUFMAN, taken by the Defendant, pursuant
to a notice, held remotely via Zoom
Videoconference, before Suzanne Pastor
(relief reporter), a Notary Public of the
State of New York.

1 A P P E A R A N C E S:

2

3 LOCKE LORD, LLP

Attorneys for the Plaintiff

4 20 Church Street, 20th Floor

Hartford, Connecticut 06103

5 BY: DONALD E. FRECHETTE, ESQ.

860.541.7713

6 donald.frechette@lockelord.com

7 -and-

8 LOCKE LORD, LLP

200 Vesey Street, 20th Floor

9 New York, New York 10281

BY: CASEY B. HOWARD, ESQ.

10 212.812.8342

choward@lockelord.com

11

12 THOMPSON COBURN HAHN & HESSEN LLP

Attorneys for the Defendant

13 488 Madison Avenue

New York, New York 10022

14 BY: STEPHEN J. GRABLE, ESQ.

212.478.7200

15 sgrable@thompsoncoburn.com

AND: STEVEN AQUINO, ESQ.

16 saquino@thompsoncoburn.com

AND: GILBERT BACKENROTH, ESQ.

17 gbackenroth@thompsoncoburn.com

18

REBAR KELLY

19 Attorneys for

RIVERSIDE ABSTRACT, LLC

20 800 Third Avenue, 28th Floor

New York, New York 10022

21 BY: PATRICK J. HEALEY, ESQ.

212.858.9970

22 phealey@rebarkelly.com

23

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1 A V R O H O M K A U F M A N, called as a
2 witness, having been previously duly sworn
3 by a Marie Foley, Notary Public of the
4 State of New York, testifies as follows:

5 EXAMINATION BY

6 MR. GRABLE:

7 Q. Mr. Kaufman, did you review any
8 documents in preparation for today's
9 deposition?

10 A. What?

11 Q. Did you review any documents in
12 preparation for today's deposition?

13 A. Some documents.

14 Q. What documents did you review?

15 A. Affirmation and a few papers
16 that I...

17 Q. What were those papers?

18 A. The affirmation and notice on
19 the -- the affirmation and some other
20 details that I need to know.

21 Q. Who provided you with those
22 papers?

23 A. What?

24 Q. Who provided you with those
25 papers?

1 A. From the case.

2 Q. Mr. Kaufman, we're going to ask
3 you to speak slower and louder so that the
4 reporter can hear you. Do you understand
5 that? Do you understand that?

6 A. Okay, I hear you, yes.

7 Q. Who provided you the papers
8 that you reviewed?

9 A. I don't remember exactly but I
10 had the papers prepared.

11 Q. You don't remember who provided
12 papers to you yesterday, is that correct?

13 MR. FRECHETTE: Objection.

14 Q. I didn't hear you, Mr. Kaufman.
15 Can you say it again louder and slower?

16 A. I said I had some papers,
17 affirmation and stuff that I had ready for
18 me myself.

19 Q. You prepared the papers?

20 A. I didn't say I prepared. I had
21 some -- I spoke to my lawyer to prepare the
22 stuff so I had some papers prepared.

23 Q. Your lawyer prepared the
24 papers? Yes or no.

25 A. The what?

1 Q. Is it correct that your lawyer
2 prepared the papers that you looked at?

3 MR. FRECHETTE: Objection.

4 Mr. Kaufman, you can go ahead
5 and answer despite my objection.

6 A. As I told you, I prepared with
7 my lawyer. I told you, yesterday.

8 Q. Mr. Kaufman, are you currently
9 employed?

10 A. Yes.

11 Q. Where are you employed?

12 A. By Royal Fruit Garden.

13 Q. How long have you worked for
14 Royal Fruit Garden?

15 A. For ten years.

16 Q. Are you an owner of Royal Fruit
17 Garden?

18 A. Partner in the corporation.

19 THE REPORTER: Did you say
20 "corporation" and "partner"?

21 Q. Mr. Kaufman, we did not hear
22 that last answer. Could you please resay
23 it?

24 A. I said it's a corporation. I'm
25 a partner in the corporation.

1 Q. You are a partner in the
2 corporation for Royal Fruit Garden Company?

3 A. Yes.

4 Q. What kind of business does
5 Royal Fruit Garden Company do?

6 A. Fruits and vegetable
7 distribution.

8 Q. Have you had any other jobs in
9 the last ten years?

10 A. Other than that, no.

11 Q. Have you ever been involved in
12 commercial real estate investing?

13 A. No.

14 Q. Have you ever been involved in
15 commercial real estate development?

16 A. No.

17 Q. How about residential real
18 estate, have you ever invested in
19 residential real estate?

20 A. No.

21 Q. Are you familiar with an entity
22 called RS Old Mill, LLC?

23 A. If I'm familiar with RS Old
24 Mill, yes.

25 Q. Mr. Kaufman, it's very

1 difficult when you move around in and out
2 from the microphone. I need you to stay as
3 close to the microphone so the reporter and
4 the rest of the parties can hear you.

5 I'm going to ask that question
6 again. Are you familiar with an entity
7 named RS Old Mill, LLC?

8 A. Yes.

9 Q. How are you familiar with that
10 entity?

11 A. Because it was part of RS Mill
12 Road. That's why -- it came from RS Mill
13 Road.

14 Q. Who is the principal of RS Old
15 Mill, LLC?

16 A. I don't recall. I don't
17 remember.

18 Q. Do you know if Yehuda Solomon
19 is the principal of RS Old Mill, LLC?

20 A. He's one of them. But I don't
21 know exactly.

22 Q. Yehuda Solomon is --

23 A. He's a -- I don't know how you
24 call it. Exactly details, I don't know.

25 Q. And Yehuda Solomon is your

1 brother-in-law, correct?

2 A. Yes.

3 Q. Do you know if anyone else is
4 involved in owning or managing RS Old Mill,
5 LLC?

6 A. If I know what?

7 Q. Do you know any other
8 individuals who are owners or managers of
9 RS Old Mill, LLC?

10 A. Not that I recall.

11 Q. When did you form the entity RS
12 Old Mill Road, LLC?

13 MR. FRECHETTE: Objection.

14 Q. You can answer.

15 A. When I form a -- when I -- I
16 was -- somebody -- when I got it from --
17 somebody came to me that my brother-in-law,
18 to help my brother-in-law to help him
19 financing. So I got two -- I got an uncle,
20 and two people that came to me that I -- my
21 brother needs help in financing, that I
22 should -- that's how I got involved.

23 Q. Do you recall when that
24 occurred?

25 A. It was in 2017, around.

1 September 2017. I don't remember exactly
2 the timing.

3 Q. Are you reading from something,
4 Mr. Kaufman? It looks like you were
5 looking at a piece of paper.

6 A. I was looking on the desk over
7 here. It was in 2017.

8 Q. Is there a piece of paper on
9 the desk related to this case?

10 A. No, I wrote --

11 THE REPORTER: Repeat that.

12 A. What did you say?

13 Q. We did not hear that last
14 answer.

15 A. I said I have affirmation over
16 here that I have, that I need to know. So
17 I have information for it.

18 Q. We're going to call for the
19 production of those notes. Please do not
20 destroy them. You're required to preserve
21 them. And we will coordinate with your
22 counsel for the production of those notes.

23 MR. FRECHETTE: I don't know
24 that he indicated that there are
25 notes.

1 A. The what? I told you that --

2 Q. You indicated that you made
3 some --

4 A. I told you I have affirmation,
5 as I told you before, I had affirmation
6 prepared.

7 Q. And that information is in
8 front of you now, correct?

9 A. Yes.

10 MR. GRABLE: Don, we're going
11 to call for the production of those
12 notes.

13 MR. FRECHETTE: We don't know
14 that they're notes, Steve. I think
15 you need to establish that. He says
16 they're information. Information can
17 take many forms.

18 A. Affirmation I said.

19 Q. Affirmation.

20 MR. FRECHETTE: Affirmation.

21 Q. That's an affirmation that you
22 previously signed in connection with these
23 proceedings?

24 A. Yes.

25 Q. What is the date of that

1 affirmation?

2 A. Date of affirmation is -- the
3 date that I signed was December 2019.

4 Q. December what?

5 A. December 16, 2019.

6 Q. Yehuda Solomon asked you to
7 form RS Old Mill Road, LLC to help get
8 financing, is that correct?

9 A. The what? I didn't hear you.
10 I did not hear you.

11 Q. Yehuda Solomon asked you to
12 form RS Old Mill Road, LLC to help get
13 financing, correct?

14 A. As I told you, it was in 2017
15 when I was approached by two people who
16 came over to me that day doing financing
17 for my brother-in-law. And that's when I
18 said I'll do it.

19 Q. Does RS Old Mill Road, LLC have
20 any operations?

21 A. RS Mill has no operations at
22 the moment now because there's nothing
23 there. There's nothing going on, there's
24 nothing to work from. Nothing to -- at the
25 moment. As of the moment.

1 Q. RS Old Mill Road, LLC ever had
2 any operations?

3 A. Operations for the thing, but
4 now there's nothing doing. There's no
5 money -- nothing to be available because
6 it's like -- there's no -- everything is,
7 like -- there's nothing doing now.

8 Q. It previously was operating?
9 Is that your testimony?

10 A. What do you mean previously
11 operating testimony? I don't understand
12 the question.

13 Q. Has RS Old Mill, LLC ever had
14 any operations?

15 A. We signed for a loan. But
16 since then there's nothing doing because
17 the -- there's no happening there because
18 it's on -- there's no -- it was, like, sold
19 and it was giving away -- the whole thing
20 happened. So there's nothing doing.
21 There's no need for doing anything.
22 There's no...

23 Q. Does RS Old Mill Road, LLC have
24 any bank accounts?

25 A. No. There's no business.

1 There's no bank account, no. No bank
2 account.

3 Q. Has RS Old Mill Road, LLC ever
4 had a bank account?

5 A. Not that I remember.

6 Q. Could anyone other than you
7 have opened a bank account for RS Old Mill
8 Road, LLC?

9 A. I don't recall that. I don't
10 remember. But not that I know of.

11 Q. Have you ever authorized anyone
12 to open a bank account on behalf of RS Old
13 Mill Road, LLC?

14 A. I don't remember that. I don't
15 remember.

16 Q. Does RS Old Mill Road, LLC have
17 any debts?

18 A. The whole situation. That's
19 what's the whole thing happening now, yes.

20 Q. Could you explain that a little
21 more. What debts does RS Old Mill Road,
22 LLC have?

23 A. We have a debt to Uzi Frankel.

24 THE REPORTER: I'm sorry, say
25 it again, please.

1 A. It has a debt to Uzi Frankel.

2 Q. You have a debt to Uzi Frankel?

3 A. We have a debt to Uzi Frankel,
4 yes.

5 Q. What is the debt owed to
6 Mr. Frankel?

7 A. He was a lender for the
8 property.

9 Q. Mr. Frankel provided a loan to
10 RS Old Mill Road, LLC, is that correct?

11 A. The what?

12 Q. Did Mr. Frankel provide a loan
13 to RS Old Mill Road, LLC?

14 A. He provided a loan to fix up
15 the property, the loan for that. That's
16 why the whole situation went. That's why
17 there's no -- nothing happening in a while.

18 Q. I'm going to ask my question
19 again. Did Mr. Frankel provide a loan to
20 RS Old Mill Road, LLC?

21 A. Yes.

22 Q. Where were the monies for that
23 loan deposited?

24 A. I don't know. I don't recall.

25 Q. How much was the loan?

1 A. I don't remember the numbers
2 exactly.

3 Q. Was it over \$100,000?

4 A. It was a lot more than
5 \$100,000. I don't remember exactly the
6 numbers.

7 Q. Was it more than a million
8 dollars?

9 A. Yes. A lot more, yes.

10 Q. Was it more than \$2 million?

11 A. I don't remember exactly the
12 numbers.

13 Q. Was it more than \$2 million?

14 A. I don't remember.

15 Q. Mr. Frankel provided a loan of
16 more than a million dollars to Old Mill
17 Road, LLC and you don't know where those
18 funds were deposited, is that correct?

19 A. He provided the loan -- I don't
20 remember exactly the number but he provided
21 the loan. It was expedited for certain
22 things to do there. But I don't remember
23 exactly what numbers. I don't recall.
24 It's like a while already, so.

25 Q. What things were the loan

1 monies used to expedite?

2 A. I don't know. I don't
3 remember.

4 Q. Did that loan relate to RD's
5 acquisition of the property at 25 Old Mill
6 Road?

7 A. I don't remember exactly.

8 Q. If I say RD, I'm talking about
9 RS Old Mill Road, LLC. Do you understand
10 that? It's okay if I use RD as a
11 shorthand?

12 A. Yes.

13 Q. Last year you caused RD to file
14 a complaint again Suffern Partners, LLC in
15 the Rockland County Supreme Court, is that
16 correct?

17 A. Yes.

18 Q. What was the basis for that
19 lawsuit?

20 A. Say it again. I didn't hear
21 you.

22 Q. Why did you file that lawsuit?

23 A. Why I filed the lawsuit? It
24 was --

25 Q. Mr. Kaufman, what are you

1 reading or looking at?

2 A. I told you I have an
3 affirmation. I'm trying to remember
4 exactly. You ask me one question to
5 another. I'm trying to remember.

6 Q. Can you turn your camera around
7 for me. I want to see the room, please.

8 A. What did you say?

9 Q. Turn your camera around. I
10 want to see the room. Keep going.

11 And down in front of you.
12 Lower. Lower in front of you. In front of
13 you. In front of you where you were
14 sitting. Behind the computer.

15 Why did you cause RD to file a
16 lawsuit against Suffern Partners, LLC last
17 year?

18 A. Because we didn't get the
19 \$30 million and we made a lawsuit for that.

20 Q. I didn't hear you. Because RD
21 did not get what?

22 A. The money, the \$30 million.

23 Q. You alleged that RD was owed
24 \$30 million from Suffern Partners, LLC?

25 A. Yes.

1 Q. Why is RD owed \$30 million from
2 Suffern Partners?

3 A. The phone came in very not
4 clearly. I can't hear you.

5 Q. Was there a transaction --

6 A. It's very not clear. I can't
7 hear you. Say it again.

8 Q. Can you hear me now?

9 A. Repeat I said. I can't hear
10 you. The phone is not clear.

11 Q. Can you hear me now?

12 A. Yes, now better. A lot better.

13 Q. On what basis do you allege
14 Suffern Partners, LLC owes RD \$30 million?

15 A. I don't remember exactly, but.

16 Q. You don't remember why you're
17 suing Suffern Partners, LLC --

18 A. I can't hear you.

19 Q. -- for \$30 million?

20 A. For the sale but exactly
21 details I don't recall right now.

22 Q. What sale?

23 A. So from -- there was -- the
24 sale that they were supposed to -- from the
25 loan that some...

1 Q. Mr. Kaufman, other than that
2 December 16th, 2019 affirmation, do you
3 have any other personal knowledge or
4 information concerning RD's claims against
5 Suffern Partners, LLC?

6 A. I don't know.

7 Q. I'm going to ask the question
8 again, and I'm going to require a yes or no
9 answer.

10 MR. FRECHETTE: Objection.

11 Q. Other than that affirmation
12 that you're looking at, do you have any
13 personal knowledge concerning the
14 allegations that RD has asserted against
15 Suffern Partners, LLC?

16 MR. FRECHETTE: I'm going to
17 object. If he can answer yes or no
18 truthfully, he can do so. If he
19 doesn't know though, he doesn't know.
20 So his requirement here is to be
21 truthful, and that's what we want him
22 to be.

23 Q. You can answer the question,
24 Mr. Kaufman, and I will restate it again.
25 Other than what's written in that December

1 16, 2019 affirmation, do you have any --

2 A. I don't recall. I don't
3 remember exactly.

4 MR. FRECHETTE: Mr. Kaufman,
5 Mr. Kaufman, please let Mr. Grable
6 finish his question.

7 I'm sorry, Steve, go ahead.

8 Q. It's all right.

9 Other than what's written in
10 that December 16 --

11 A. I'm not --

12 Q. -- 2019 -- Mr. Kaufman, I need
13 to be able to finish my question and then I
14 will give you an opportunity to answer. Is
15 that clear?

16 A. Okay.

17 Q. Other than what is written in
18 that December 16, 2019 affirmation that you
19 signed, do you have any personal knowledge
20 concerning the claims that RD is alleging
21 against Suffern Partners, LLC?

22 A. Again, any what?

23 Q. Personal knowledge.

24 A. Personal knowledge? I can't
25 explain that.

1 Q. You don't know if you have any
2 knowledge?

3 A. I can't hear you. What?

4 Q. Do you have any knowledge
5 concerning RD's allegations against Suffern
6 Partners, LLC?

7 A. As I told you, I cannot explain
8 it.

9 Q. Did you search for documents
10 requested in connection with this
11 litigation?

12 A. What?

13 Q. Did you search for any
14 documents --

15 A. Did I search for what?

16 Q. You need to let me finish the
17 question. If you let me finish, you'll
18 probably understand it better. Do you
19 understand?

20 A. Okay. Got you.

21 Q. Did you search for any
22 documents in connection with this
23 litigation?

24 A. If I searched for any
25 documents.

1 THE REPORTER: Did you say "no"
2 or "I don't know"?

3 A. I don't remember.

4 Q. Do you have any documents that
5 belong to RD?

6 A. The affirmation that I have
7 from...

8 Q. Other than the affirmation, do
9 you have any other documents concerning RD?

10 A. Any other affirmation what?

11 Q. Do you have any documents
12 concerning RD, not including the
13 affirmation that is in front of you?

14 A. What do you mean, not
15 affirmation?

16 Q. Not the affirmation. Do you
17 have any other documents concerning RD?

18 A. Stuff from closing.

19 Q. You have documents from a
20 closing, is that correct?

21 A. Yes.

22 Q. That's the closing that
23 occurred in September 2017, correct?

24 A. I don't know exactly the dates.
25 Dates I don't remember exactly. I have

1 e-mails. I don't remember exactly the
2 dates.

3 Q. What is the transaction that
4 you have documents related to?

5 A. I don't recall now.

6 Q. Did you recall a minute ago?

7 A. I said I had some e-mails. I
8 don't remember dates. I don't remember
9 exactly what.

10 Q. But you do have documents
11 related to the transaction, correct?

12 A. Yes. But I told you some
13 e-mails. At the moment I don't remember
14 exactly the times.

15 Q. And that transaction is a
16 transaction involving RD, correct?

17 A. Yes.

18 Q. What was the nature of that
19 transaction? What was the nature of that
20 transaction, Mr. Kaufman?

21 A. I can't hear you.

22 Q. What was the nature of that
23 transaction?

24 A. I can't explain.

25 Q. Do you recall anything about

1 that transaction?

2 A. As I told you, I can't explain
3 details.

4 Q. Do you recall anything about
5 that transaction other than that RD
6 allegedly is owed \$30 million?

7 A. Rephrase that question again,
8 please.

9 Q. Do you recall anything about
10 that transaction other than that RD is
11 allegedly owed \$30 million?

12 A. No. I don't remember it.

13 Q. Do you even remember that RD is
14 owed \$30 million?

15 A. I remember that -- that I
16 remember. Details I don't remember now.

17 Q. When was RD supposed to receive
18 \$30 million?

19 A. When was what?

20 Q. When was RD supposed to receive
21 \$30 million?

22 A. When there was the closing.

23 Q. And when was that?

24 A. What?

25 Q. When was the closing?

1 A. When was the closing. That was
2 when I -- that was in September 2017, but
3 exactly details I don't remember.

4 Q. What did you do after RD did
5 not receive \$30 million in 2017?

6 Are you on mute again?

7 A. I'm not on mute, no. Hello.

8 Q. Yes, we hear you. What did you
9 do after RD did not receive \$30 million in
10 2017?

11 (Pause.)

12 We can't hear you.

13 A. One minute, please.

14 Q. Why do you keep putting
15 yourself on mute, Mr. Kaufman? Is someone
16 in the room with you?

17 A. I'm not even next to -- my
18 cellphone is 3 inches away from me. I
19 didn't touch my phone. You say I'm on
20 mute, I didn't touch my cellphone.

21 Q. Every time you go on mute I'm
22 going to assume there's someone else in the
23 room with you.

24 A. My cellphone is on a stand.

25 MR. FRECHETTE: You can assume

1 whatever you want, Mr. Grable. That
2 doesn't make it --

3 A. My cellphone is on a stand. I
4 can take a picture. My cellphone is on a
5 stand. I don't hit mute. I don't hear you
6 a lot of times. So I don't know what
7 you're talking about.

8 Q. I'm going to ask the question
9 again. What did you do after RD did not
10 receive \$30 million in 2017?

11 A. What can I do? What I did.
12 What can I do? That's what happened.
13 That's what the whole situation is.

14 Q. Did you send anyone an e-mail
15 immediately after the closing asking where
16 the money was?

17 A. No.

18 Q. Did you write a letter to
19 anyone immediately after the closing asking
20 where the money was?

21 A. Repeat that question again.

22 Q. Did you write a letter to
23 anyone immediately after the closing asking
24 where the \$30 million was?

25 A. No. It was phone calls.

1 Q. Who did you call by phone to
2 ask where the \$30 million was?

3 A. Who I called what?

4 Q. Did you call someone by phone
5 to ask where the \$30 million was?

6 A. I called Yehuda Solomon.
7 That's why I called him, what's happening.
8 I see what's happening, I told them I need
9 to know what's happening over here. I
10 didn't know the whole thing like that.

11 Q. You called Yehuda Solomon to
12 ask him where the \$30 million was?

13 A. What's happening with that,
14 yes. What's happening with the money
15 because I did it as a favor and I didn't
16 know it was going to turn into the whole
17 situation.

18 Q. Did you provide an affirmation
19 to the court saying that you were only
20 going to be involved in this transaction
21 for a very short period of time?

22 A. Yes.

23 Q. And it was your expectation
24 that you would never receive \$30 million
25 out of this transaction, correct?

1 A. Nope.

2 Q. You did not receive -- strike
3 that. Did you believe that RD was to
4 receive \$30 million out of this
5 transaction?

6 A. That I believe so, yes.

7 Q. But you were only involved for
8 a short period of time, correct?

9 A. Yes.

10 Q. And that was to get the
11 financing, correct?

12 A. To help get the financing, yes.

13 Q. What was going to happen with
14 the \$30 million that was going to be
15 received by RD?

16 A. I don't know.

17 Q. Was it going to belong to you?

18 A. The what? I didn't hear you.

19 Q. Were you going to keep
20 \$30 million from this transaction?

21 A. I didn't discuss that part with
22 him.

23 Q. You didn't discuss what you
24 were going to do with \$30 million, is that
25 correct?

1 A. What did you say?

2 Q. You didn't discuss with anyone
3 what you were going to do with \$30 million
4 that you were involved with for only a
5 short period of time?

6 A. Not sure the amount. I didn't
7 discuss the amount. I told you it wasn't
8 discussed.

9 Q. What did you discuss about the
10 money that RD was receiving?

11 A. I told you I don't remember
12 exactly.

13 Q. How was RD going to receive
14 \$30 million if it had no bank account?

15 A. How what? Rephrase that
16 question, please.

17 Q. How was RD going to receive
18 \$30 million if it had no bank account?

19 A. I don't know but at the moment
20 there's no purpose in having a bank account
21 because there's nothing doing. There's no
22 action there.

23 Q. Did RD have legal counsel in
24 connection with the 2017 transaction?

25 A. I don't know.

1 Q. Have you ever been to the
2 property at 25 Old Mill Road?

3 A. If I? Again, what did you say?

4 Q. Have you ever been to the
5 property at 25 Old Mill Road?

6 A. Not that I recall, no.

7 Q. So you allege RD was an owner
8 and was to receive \$30 million for property
9 you've never even visited, is that correct?

10 A. Yes.

11 Q. Did you attend the closing for
12 this transaction?

13 A. The what?

14 Q. Did you attend the closing for
15 this transaction?

16 A. No.

17 Q. Did you sign a deed
18 transferring the property from RD to
19 Suffern Partners, LLC?

20 A. I don't remember. I don't
21 recall.

22 Q. Are you familiar with the name
23 Thomas Landrigan?

24 A. I heard that name.

25 Q. Have you ever spoken to

1 Mr. Landrigan?

2 A. I was on speaker once on the
3 phone.

4 Q. You have spoken to
5 Mr. Landrigan on the phone, is that
6 correct?

7 A. So I was told on the phone
8 once, yes.

9 Q. I'm struggling to hear you, I
10 apologize.

11 A. So I was told once that he was
12 on speaker on the phone.

13 Q. You were told you were speaking
14 to him on the phone?

15 A. Yes.

16 Q. Who else was on that call with
17 you, if anyone?

18 A. There was two people. Junger
19 and someone else over there. I don't
20 remember the names. He told me that he was
21 on speaker, that it was him. I don't
22 remember exactly what it was.

23 Q. Did Mr. Landrigan file
24 paperwork with New York State to register
25 RD --

1 A. I don't know.

2 Q. -- as an LLC?

3 How did you cause RD to be
4 formed?

5 MR. FRECHETTE: Objection.

6 Q. You can answer.

7 A. Rephrase the question.

8 Q. How did you cause RD to be
9 formed?

10 A. How I caused -- I don't get it.
11 I don't understand the question. Rephrase
12 the question.

13 Q. You are the 100 percent member
14 of RD, correct?

15 A. Yes.

16 Q. When did you create RD?

17 MR. FRECHETTE: Objection. You
18 can still answer, Mr. Kaufman.

19 A. Sorry, I don't see -- hello?

20 Q. Yes. When did you create RD?

21 A. I don't remember.

22 Q. Why did you create RD?

23 A. Again, why I created RD? Was
24 that the --

25 Q. Yes.

1 A. It was a favor for a loan for
2 Yehuda Solomon.

3 Q. Who helped you create RD?

4 A. I don't remember.

5 Q. Did an attorney help you create
6 RD?

7 A. I don't remember details.

8 Q. Did Yehuda Solomon help you
9 create RD?

10 A. I don't remember the details as
11 of now.

12 Q. Mr. Kaufman, you're familiar
13 with the entity RS Old Mill, LLC?

14 A. What? I didn't hear you.

15 Q. Are you familiar with the
16 entity RS Old Mill, LLC?

17 A. I'm familiar with that.

18 THE REPORTER: I'm sorry, you
19 have to repeat your answer, please.

20 Q. Do you recall RS Old Mill, LLC
21 being in bankruptcy proceedings?

22 A. I don't remember exactly -- I
23 don't recall everything.

24 Q. Do you recall filing proofs of
25 claim in the RS Old Mill, LLC bankruptcy?

1 A. I don't remember.

2 Q. Have you ever signed a proof of
3 claim for a bankruptcy proceeding?

4 A. Again?

5 Q. Have you ever signed a proof of
6 claim for a bankruptcy proceeding?

7 A. For what?

8 Q. Do you know what a proof of
9 claim is?

10 A. No. You're talking about
11 which -- what are you talking about? I
12 told you I'm -- are you talking about
13 for -- what are you talking about now?
14 You're talking about a road or for RS Old
15 Mill?

16 Q. I'm talking about for RS Old
17 Mill.

18 A. I told you I don't recall. I
19 don't remember.

20 Q. Now I'm asking generally, have
21 you ever filed a claim in any bankruptcy
22 proceeding?

23 A. I don't remember.

24 Q. Do you recall filing a claim in
25 Suffern Partners, LLC's bankruptcy

1 proceeding?

2 A. I don't remember.

3 Q. Mr. Kaufman, I see you keep
4 looking off to your left and it's taking
5 you an awful lot of time to answer
6 questions. Who is in the room with you?

7 A. Are you asking me again the
8 same question? I showed you already. No
9 one is in the room.

10 Q. Is David Solomon in that
11 building?

12 A. No. You want me to go back to
13 my car now? Nobody is in the building. No
14 one is in the building. No one is in the
15 room. I showed you three times already. I
16 don't know you want. You want me to go
17 back to the car? You're not happy. I
18 don't know what you want. I came to an
19 office. I specifically left the car
20 because of that. I don't know what you
21 want now.

22 Q. I want you to focus on
23 answering questions during this deposition.
24 And it seems to be very difficult for you.
25 Are you having difficulty focussing today?

1 A. I'm thinking what you're saying
2 and I'm saying I don't remember. I don't
3 recall.

4 Q. Do you recall filing tax
5 documents in connection with the 2017
6 transaction?

7 A. I don't know. I don't
8 remember.

9 Q. Do you agree that RD
10 transferred the property to Suffern
11 Partners?

12 A. That what?

13 Q. Did RD transfer the property to
14 Suffern Partners?

15 A. Rephrase that question. I'm
16 trying to figure out -- to understand that
17 question.

18 Q. You understand when I say "the
19 property" I'm talking about the property at
20 25 Old Mill Road in Suffern, Montebello,
21 correct?

22 A. Yes.

23 Q. Did RD transfer the property to
24 Suffern Partners?

25 A. I don't remember.

1 Q. It's 11:36. Let's take a short
2 break. I'll come back at 11:45.

3 Mr. Kaufman, if you need a
4 restroom or anything, that's fine. Please
5 know that if you speak with anyone about
6 this deposition, I will ask you what you
7 spoke about.

8 MR. FRECHETTE: I object. If
9 he speaks to counsel you can ask but
10 you will not get an answer.

11 MR. GRABLE: We'll be back at
12 11:45.

13 (Whereupon, a short recess was
14 taken.)

15 BY MR. GRABLE:

16 Q. Mr. Kaufman, are you ready to
17 proceed?

18 A. Yes.

19 Q. Mr. Kaufman, did you retain the
20 Locke Lord law firm?

21 A. What?

22 Q. Did you retain the Locke Lord
23 law firm?

24 A. I have to turn the air
25 conditioner. Can you wait one minute?

1 (Pause.)

2 Q. Did you retain the Locke Lord
3 law firm?

4 A. Yes.

5 Q. And you're paying their fees?

6 A. Fees are being paid.

7 Q. They are being paid. Who is
8 paying the Locke Lord law firm?

9 A. I don't recall exactly.

10 Q. RD is not paying the Locke Lord
11 law firm, is that correct?

12 A. I don't have all the
13 information over here right now.

14 Q. And you are not personally
15 paying the Locke Lord law firm, correct?

16 A. I told you I don't have the
17 information here.

18 Q. You don't know how the Locke
19 Lord law firm is being paid for its
20 services in connection with these
21 proceedings?

22 A. I know it's being paid. I
23 don't know exactly details. I have the
24 details over here.

25 Q. Do you know if Yehuda Solomon

1 is paying for them?

2 A. I just told you I don't know
3 exactly the details.

4 Q. Did you retain the Kent
5 Beatty & Gordon firm?

6 A. I what?

7 Q. Have you ever heard of the Kent
8 Beatty & Gordon law firm?

9 A. I don't remember everything,
10 all the details.

11 Q. Are you familiar with the name
12 Yitzchak Zelman?

13 A. I don't remember all the
14 details now I told you.

15 Q. Do you know the name of the
16 attorney that first filed this action in
17 the New York State Supreme Court?

18 A. I told you I don't remember all
19 the information.

20 Q. You said earlier that you
21 formed RD to do a favor for Yehuda Solomon,
22 is that correct?

23 A. Yes.

24 Q. Could you describe the nature
25 of that favor?

1 A. As I told you, it was a favor
2 for -- he needed financing.

3 Q. And how were you helping?

4 A. By helping him getting a loan.

5 Q. As part of that transaction in
6 2017, did RD at any point receive a deed to
7 the property?

8 A. I don't remember details.

9 Q. Did RD ever pay any money for
10 the property?

11 A. I don't remember the details
12 exactly, I told you.

13 Q. Mr. Solomon, I'm going to share
14 my screen. Hopefully everybody can see
15 that. Do you see a document on your
16 screen, Mr. Solomon?

17 A. "Mr. Solomon"?

18 Q. I'm sorry, Mr. Kaufman. Do you
19 see a document on your screen?

20 A. Okay.

21 Q. I'm going to mark this as
22 Exhibit 1. This is an Agreement of Sale
23 dated as of November 28th, 2016 between
24 Novartis Corporation and RS Old Mill, LLC.

25 (Whereupon, November 28, 2016

1 Agreement of Sale was marked as
2 Kaufman Exhibit 1 for identification
3 as of this date by the Reporter.)

4 Q. Mr. Kaufman, do you recall ever
5 seeing this document?

6 A. I don't remember. I don't
7 remember details now I told you. It was a
8 while ago. I don't remember.

9 Q. I'm asking you to take a look
10 at the document and see if that helps you
11 recall whether or not --

12 A. I don't remember it. I don't
13 remember details.

14 MR. FRECHETTE: Excuse me, wait
15 a second.

16 I don't know whether he's able
17 to, Steve, but I'm not able to scroll
18 through the document. And I think if
19 you're going to ask him to identify a
20 document, he ought to be able to at
21 least look at it in its entirety. In
22 fairness, I'm a complete Luddite, so
23 I don't want to suggest that -- maybe
24 he's able to do it and I'm not, but.

25 Q. Mr. Kaufman, are you able to

1 see this document?

2 A. I told you I don't remember
3 details. I told you this.

4 Q. Do you have any knowledge
5 concerning an agreement of Novartis
6 Corporation to sell the 25 Old Mill
7 property to RS Old Mill, LLC?

8 A. I don't remember this
9 information.

10 Q. Do you know whether RS Old
11 Mill, LLC ever contracted to purchase the
12 25 Old Mill Road property from Novartis?

13 A. I told you, I don't remember
14 the information. It's a while ago. I
15 don't remember every details.

16 Q. Do you know how much RS Old
17 Mill, LLC was paying for the property --

18 A. I told you I don't remember the
19 information.

20 Q. I'm going to mark this as
21 Exhibit 2. This is an Agreement of
22 Assignment entered into the 29th day of
23 November 2016 between RS Old Mill, LLC and
24 RS Old Mills Road, LLC.

25 (Whereupon, November 29, 2016

1 Agreement of Assignment was marked as
2 Kaufman Exhibit 2 for identification
3 as of this date by the Reporter.)

4 Q. Mr. Kaufman, do you recall an
5 Agreement of Assignment in November 2016
6 related to the 25 Old Mill property?

7 A. You asked me that already. I
8 told you I don't remember.

9 Q. This is a slightly different
10 question. And thank you for clarifying
11 that. The last question related to a
12 transaction from Novartis to RS Old Mill.
13 Now I'm asking about an assignment from RS
14 Old Mill to RS Old Mills Road. Do you
15 recall --

16 A. You said 2016.

17 Q. Correct.

18 A. And over here it says 2019.
19 I'm trying to figure out all --

20 MR. FRECHETTE: Again, I'm
21 going to object. I can't scroll
22 through this document, so if you're
23 asking him questions about a document
24 that he can't see the entirety of, I
25 think that's inherently unfair. You

1 can obviously continue as you deem
2 appropriate, but.

3 MR. GRABLE: I haven't asked a
4 single question about the document.
5 I'm just asking if he recalls an
6 assignment.

7 MR. FRECHETTE: Well, Steve,
8 come on, in context, when you put up
9 a document that says "assignment" and
10 then you ask him questions about an
11 assignment, I think the average
12 person fairly concludes that the
13 assignment you're talking about is
14 the one that's showing on the screen.

15 So if you want to take it down
16 and ask him questions, that's fine.
17 But let's not jumble that up.

18 MR. GRABLE: I am doing the
19 best I can, counsel. I hoped to
20 deliver these documents to
21 Mr. Kaufman in advance of the
22 deposition in hard copy. He or you
23 were unwilling to provide an address,
24 so here we are.

25 The document is available, I

1 believe it's scrollable, I believe
2 it's viewable. And when I get to
3 questions about the documents, we
4 will work through them.

5 MR. FRECHETTE: Okay, Steve,
6 first of all, I didn't suggest that
7 you weren't doing the best you can.
8 I accept your representation in that
9 regard. I think you're doing a very
10 able job.

11 That said, I am not having any
12 luck scrolling the document. And
13 Mr. Kaufman, if I might inquire,
14 Mr. Kaufman, are you able to scroll
15 the document on your page?

16 THE WITNESS: I could try to
17 zoom in to it, it's not so clear.
18 But I'm trying to zoom in. A little
19 bit. But that's why I see the date.
20 I'm trying to figure out what's going
21 on over here.

22 Q. My colleague just placed a
23 document in the chat. Perhaps that's an
24 easier way to proceed for everyone.

25 MR. FRECHETTE: Got it. I

1 appreciate it.

2 I can now read it, as I presume
3 the witness can. So thank you very
4 much for that.

5 Q. As we enter each exhibit, we
6 will put them --

7 A. Give me one minute.

8 MR. FRECHETTE: I'm sorry,
9 Steve, you were saying.

10 MR. GRABLE: As we introduce
11 exhibits, we'll put them in the chat
12 function so everybody can download
13 them, view them, do what they want.

14 MR. FRECHETTE: That's perfect.
15 Thank you very much.

16 Q. Mr. Kaufman, are you with us?

17 A. Yes.

18 Q. Are you able to view that
19 document?

20 A. A little bit, but I told you I
21 don't recall it's 2016. But 2019, 2016,
22 I'm trying to figure out what's going on
23 here. I'm a little lost.

24 Q. If you scroll to the last page
25 of the document --

1 A. I can't scroll that. I can't
2 do that. I don't know if I can do that. I
3 don't have that function on my phone to do
4 this.

5 MR. FRECHETTE: Mr. Kaufman,
6 are you able to open up the document
7 in the chat function?

8 THE WITNESS: I don't know how
9 to do that. No, I'm not familiar
10 with that, no.

11 Q. Mr. Kaufman, what type of
12 device are you on?

13 A. Galaxy.

14 Q. Sorry?

15 A. A Galaxy Note 10.

16 Q. Are you able to do Zoom on the
17 computers that are in front of you? Or it
18 looked like an iPad that's also in front of
19 you.

20 A. I'm in somebody's office. I
21 have only my phone over here. I'm too long
22 in this office already. I didn't know it
23 was going to take so long. I don't even
24 know what he's talking about.

25 MR. FRECHETTE: I don't know

1 how much help this will be, but we
2 will e-mail you the document,
3 Mr. Kaufman. Although
4 technological --

5 A. I told you, I don't recall
6 these things. I don't remember. I don't
7 remember.

8 Q. Mr. Kaufman, are you willing to
9 look at documents today to try and refresh
10 your recollection?

11 A. I could take a look but I'd
12 have to see if I can remember. 2016 -- I
13 don't remember exactly. I don't remember
14 the date. I can't remember the time. I
15 don't remember. I don't remember. As I
16 told you, I don't remember.

17 Q. You have no recollection of an
18 assignment from RS Old Mill, LLC to RS Old
19 Mills Road, correct?

20 A. I told you I don't remember. I
21 told you I don't remember. I'm trying to
22 see what's going on. On my phone I zoom it
23 in, but I can't...

24 Q. We're going to introduce
25 another document. It will be in the chat.

1 A. I don't know what chat you're
2 talking about.

3 MR. FRECHETTE: I think the
4 record needs to reflect that the
5 witness is not seeing these
6 documents.

7 Q. Mr. Kaufman, you do see the
8 contract of sale on the screen right now,
9 correct?

10 A. Now I see. There's 24 lines of
11 it. What are you trying to...

12 MR. FRECHETTE: Again, in
13 fairness, Steve, he's seeing the
14 page, not scrollable. If he can't
15 open chat -- I am able to open chat
16 and I can see the agreement, and I'm
17 more than happy to e-mail it to him.
18 I just don't know whether that's
19 going to work depending upon the
20 device he's on. But we will go ahead
21 and e-mail it to him.

22 (Whereupon, Contract of Sale,
23 RS Old Mills Rd, LLC and Suffern
24 Partners LLC was marked as Kaufman
25 Exhibit 3 for identification as of

1 this date by the Reporter.)

2 Q. Mr. Kaufman, do you see the
3 contract of sale on your screen?

4 A. I see that already. I don't
5 recall what it is. What are you trying
6 to...

7 Q. Do you have any knowledge of a
8 contract of sale between RS Old Mills Road,
9 LLC and Suffern Partners, LLC?

10 A. Give me one moment. I have to
11 get a bigger device. I can't see like
12 that. Let me see if I got an e-mail.

13 Q. You're going to try and access
14 your e-mail, Mr. Kaufman? Is that what you
15 said?

16 A. Something like that. How could
17 I do -- I can't get it like that. He's
18 showing the whole time and I can't watch.
19 I can't see.

20 MR. FRECHETTE: Mr. Kaufman,
21 you want to open the second e-mail
22 that we sent. That would be the
23 Purchase and Sale Agreement that
24 Mr. Grable is speaking about now.

25 A. Hold on one second. I'm

1 opening something now. One minute. It's
2 not opening. Hold on one second. It's not
3 opening. Hold on one second. I'm trying
4 to open it but it's not opening. Hold on
5 one second, please.

6 It doesn't let it open. I'll
7 try a different way. It's not opening.
8 Hold on one second. One minute.

9 I don't know what to do. I
10 can't use the computers over here because
11 it's not my office. Not opening. If you
12 give me a minute, I could try to call my
13 nephew to come into the office. It doesn't
14 open on my phone. I'm having issues with
15 it.

16 Q. We'll proceed as best we can.
17 And if we need to bring you back, we'll do
18 that. But let's continue. We've lost
19 enough time as it is and I'd like to
20 continue.

21 A. I didn't know you would show me
22 things that I can't open on my phone. What
23 should I do?

24 Q. I'm going to ask you questions
25 and you're going to answer them. The same

1 thing we've been trying to do for the last
2 two and a half hours.

3 Mr. Kaufman, do you have any
4 knowledge of a contract of sale between RS
5 Old Mill Road, LLC and Suffern Partners,
6 LLC --

7 A. I told you I don't remember.

8 MR. FRECHETTE: Sir,
9 Mr. Kaufman -- excuse me, one second.
10 Mr. Kaufman, please let Mr. Grable
11 finish his question.

12 A. Sorry.

13 MR. FRECHETTE: I'm sorry,
14 Steve, go ahead.

15 Q. I'll restate the question.
16 Mr. Kaufman, do you have any knowledge of a
17 contract of sale between RS Old Mills Road,
18 LLC and Suffern Partners, LLC dated
19 December 16, 2016?

20 A. I don't remember.

21 Q. Do you have any knowledge
22 concerning any written agreement between RS
23 Old Mills Road and Suffern Partners, LLC
24 related to the property at 25 Old Mill
25 Road?

1 A. I don't remember.

2 Q. Do you have any knowledge of a
3 written agreement requiring Suffern
4 Partners, LLC to render payment to RD for
5 the property at 25 Old Mill Road?

6 A. I don't remember. I told you.

7 Q. Do you have any knowledge of
8 any oral agreements regarding a transfer,
9 purchase or sale of the property from RS
10 Old Mills Road to Suffern Partners, LLC?

11 A. I don't remember details.

12 Q. Did RD ever pay \$25 million to
13 RS Old Mill?

14 A. I told you I don't remember
15 details.

16 Q. Do you have any knowledge
17 concerning a bargain and sale deed
18 transferring the property from Novartis
19 Corporation to RS Old Mill, LLC?

20 A. Again, repeat it.

21 Q. Do you have any knowledge
22 concerning a bargain and sale deed
23 transferring the property from Novartis
24 Corporation to RS Old Mill?

25 A. I don't remember details, no.

1 Q. Do you know what a bargain and
2 sale deed is?

3 A. I know something but I don't
4 remember details.

5 Q. What do you know?

6 A. I don't remember details.

7 Q. What is your understanding of a
8 bargain and sale deed?

9 A. I can't explain it. I'm not
10 going to describe it. I don't know
11 exactly. I don't remember details about
12 the situation, the whole situation. And I
13 don't remember -- I can't explain what a
14 bargain and sale is.

15 Q. We're having a lot of
16 difficulty hearing you.

17 A. I said I can't describe it. I
18 don't know exactly what it is. I can't
19 describe it.

20 MR. FRECHETTE: Mr. Kaufman,
21 something has happened to your sound.
22 It went from being --

23 A. I have to leave and come back
24 again. I didn't touch my phone.

25 Q. Please call back again. We

1 will wait.

2 (Whereupon, a short recess was
3 taken.)

4 BY MR. GRABLE:

5 Q. Mr. Kaufman, what is your
6 understanding of a bargain and sale deed?

7 A. I told you I'm not -- I can't
8 describe it exactly. I'm not too familiar
9 with it. Whatever I know, I can't describe
10 it.

11 Q. Do you have any knowledge of a
12 bargain and sale deed transferring the 25
13 Old Mill property from RS Old Mill, LLC to
14 RS Old Mills Road, LLC?

15 A. I don't remember.

16 Q. Do you have any knowledge
17 concerning a bargain and sale deed
18 transferring 25 Old Mill property from RS
19 Old Mills Road, LLC to Suffern Partners,
20 LLC?

21 A. I told you I don't remember
22 information. I don't remember.

23 Q. We're going to mark this as
24 Exhibit 4.

25 A. The what?

1 Q. Can you see my screen,
2 Mr. Kaufman?

3 A. I see your screen but I told
4 you before, I can't zoom into it.

5 Q. We're going to mark this as
6 Exhibit 4. This is a bargain and sale deed
7 from RS Old Mills Road, LLC to Suffern
8 Partners, LLC made as of September 5th,
9 2017.

10 (Whereupon, September 5, 2017
11 Bargain and Sale Deed was marked as
12 Kaufman Exhibit 4 for identification
13 as of this date by the Reporter.)

14 A. I'm trying to zoom in.

15 MR. FRECHETTE: Mr. Kaufman,
16 are you able to scroll through that
17 document? Mr. Kaufman? Mr. Kaufman,
18 can you hear me?

19 THE WITNESS: Now I hear you.
20 Before I didn't hear you. Hello?
21 Hello? Hello?

22 MR. FRECHETTE: Steven, are you
23 able to hear the witness?

24 MR. GRABLE: No.

25 Q. Mr. Kaufman?

1 A. Yes.

2 Q. Mr. Kaufman, can you sit up
3 closer to the pickup on your phone, please?

4 A. I can't sit closer than this.
5 Something's happening, I don't know.

6 Q. We can't hear you, Mr. Kaufman.

7 A. I'll call back again.

8 (Whereupon, a short recess was
9 taken.)

10 BY MR. GRABLE:

11 Q. So we were in what we've marked
12 as Exhibit 4. And I know you're not able
13 to scroll the document, Mr. Kaufman, but do
14 you see on your screen your signature?

15 A. I see my signature, okay.

16 Q. Is that your signature?

17 A. Yes.

18 Q. And you have no recollection --

19 A. I told you --

20 Q. You have no recollection --

21 MR. FRECHETTE: Mr. Kaufman,
22 please let Mr. Grable finish. It's
23 very difficult to make a record here
24 without each side letting the other
25 finish.

1 Q. Mr. Kaufman, you have no
2 recollection of having signed on RD's
3 behalf to transfer the 25 Old Mill property
4 to Suffern Partners, is that correct?

5 A. I said I don't remember
6 details.

7 Q. I'm going to introduce as
8 Exhibit 5 a document identified as
9 Claimant's response to Trustee's objections
10 to Claim 26-1 filed by RS Old Mills Road,
11 LLC.

12 (Whereupon, Claimant's Response
13 to Trustee's Objections to Claim 26-1
14 was marked as Kaufman Exhibit 5 for
15 identification as of this date by the
16 Reporter.)

17 Q. Mr. Kaufman, I will represent
18 to you that this document was filed in the
19 RS Old Mill bankruptcy proceeding. Can you
20 see this document on your screen?

21 A. A little bit. Very not clear.
22 Very, very not clear, but.

23 Q. Is that better for you?

24 A. A little, but.

25 Q. Do you recall signing this

1 document on December 3rd, 2019?

2 A. I don't remember. I don't
3 remember.

4 Q. It states here in paragraph 3,
5 "Nobody is contesting that a deed transfer
6 took place from RS Old Mills Road, LLC to
7 Suffern Partners, LLC."

8 Does that help refresh your
9 recollection as to whether you were aware
10 of a deed transferring the 25 Old Mill
11 property from RS Old Mills Road to Suffern
12 Partners?

13 A. I don't remember details I told
14 you. I told you.

15 Q. Did you authorize the filing of
16 this document in the RS Old Mill bankruptcy
17 proceeding?

18 A. What?

19 Q. Did you authorize the filing of
20 this document in the RS Old Mill bankruptcy
21 proceeding?

22 A. I'm trying to understand what
23 you're saying now. Explain your question
24 again.

25 Q. You indicated earlier that you

1 have an affirmation in front of you dated
2 December 16th, 2019, correct?

3 A. Yes.

4 Q. You authorized that affirmation
5 to be filed in the RS Old Mill bankruptcy
6 proceeding, correct?

7 A. Going from one to the next.

8 Q. Mr. Kaufman, are you looking at
9 your December 16, 2019 affirmation?

10 A. 2009? No. I'm looking at
11 December 16, 2019 affirmation, yes.

12 Q. You authorized that document to
13 be filed in the RS Old Mill bankruptcy
14 proceeding, correct?

15 A. Yes, but I don't remember
16 details. I'm trying to refresh my memory,
17 but I don't remember details.

18 Q. Who requested that you provide
19 that affirmation?

20 A. The what?

21 Q. Who requested you to sign that
22 document?

23 A. This was -- two gentlemen came
24 over to me that they coming for my
25 brother-in-law, help him financing.

1 Q. In December 2019, who asked you
2 to sign this affirmation?

3 A. I don't remember. I don't
4 remember. I'm trying -- I don't remember.

5 MR. GRABLE: We're going to
6 mark as Exhibit 6 a copy of that
7 December 16, 2019 affirmation which
8 Mr. Kaufman has a copy of in front of
9 him.

10 (Whereupon, December 16, 2019
11 Affirmation was marked as Kaufman
12 Exhibit 6 for identification as of
13 this date by the Reporter.)

14 MR. FRECHETTE: Well, in
15 fairness, we don't know whether he
16 has the same document in front of
17 him. I assume it's the same, but --

18 A. It looks different to me, but
19 yeah.

20 Q. I don't know how it looks
21 different; you haven't seen the document
22 that we're all looking at. But let me show
23 it to you.

24 A. I looked at the bottom of it.
25 It looks different from mine. So I'm

1 trying to figure out. That's why I was
2 looking at my papers. I don't know. It's
3 just two lines, but the rest I can't see.
4 But anyway.

5 Q. I'm sharing my screen with you
6 again, Mr. Kaufman. Let me scroll down to
7 the document. It says at the top "Document
8 243-29." The copy you're holding has a
9 header like that at the top?

10 A. Yeah.

11 Q. It has that header, "Doc
12 243-29"? And you have pages 2 of 4 --

13 A. What? What are you talking
14 about?

15 Q. I'm asking if this document
16 that I'm showing you is the same document
17 you have in your hand.

18 A. I'm trying to see. I don't
19 know. What are you asking me? If it has
20 what number?

21 Q. Who is the notary on the
22 document you're looking at?

23 A. The notary is Michelle
24 Pellicione.

25 Q. Is it Michael A. Pellicione?

1 A. Yes.

2 Q. And the last paragraph starts
3 "finally, I felt very pressured"?

4 A. Yes.

5 Q. Turn to the prior page, the
6 first full paragraph starts "it is
7 important to note."

8 A. The first --

9 Q. The second page of the
10 document. The paragraph that starts "it is
11 important to note."

12 A. I don't see that. One minute.
13 Which page is that?

14 Q. Do you have the page that has
15 the paragraph "it is important to note"?

16 A. I don't see that.

17 Q. How many pages is the document
18 you're holding?

19 A. I have four pages.

20 Q. Can you hold your document up
21 to the screen, please. And the prior page.

22 Can you do that again, please,
23 slowly.

24 Do you know if that document
25 was ever filed in a court?

1 A. I don't remember details I told
2 you.

3 MR. GRABLE: I'm going to
4 introduce another document. Don, I
5 think this will be the final one and
6 then we'll break for lunch.

7 MR. FRECHETTE: Okay, thanks.

8 MR. GRABLE: Don, are you able
9 to e-mail this document to
10 Mr. Kaufman?

11 MR. FRECHETTE: We're e-mailing
12 all of the exhibits and we're happy
13 to do that with this as well.

14 MR. GRABLE: I'm going to mark
15 as Exhibit 7 a document dated
16 December 15, 2019 filed by RS Old
17 Mills Road, LLC in the RS Old Mill
18 bankruptcy proceeding, a request for
19 reconsideration.

20 (Whereupon, Request for
21 Consideration was marked as Kaufman
22 Exhibit 7 for identification as of
23 this date by the Reporter.)

24 Q. Mr. Kaufman, I believe your
25 counsel has e-mailed you a copy of this

1 document, or will momentarily.

2 A. Okay. Are you finished?

3 Q. I'd like to see if you can open
4 this document, which is much smaller in
5 size than the last document you tried to
6 open.

7 A. As I told you before, it
8 doesn't let me open any document. That's
9 what I'm trying to explain to you. I had
10 the issue before and I told you I'm only on
11 a phone. I'm not on a computer that I
12 could use because I'm in somebody's office.

13 It's like I told you before, I
14 couldn't open it. I tried both e-mails, it
15 didn't work.

16 Q. So prior to today, have you
17 ever been able to view a PDF document on
18 your phone?

19 A. Half sometimes it doesn't let
20 me, sometimes it does let me. I have a
21 computer for a reason. But I'm not next to
22 my computer now, as I told you.

23 Q. I understand. I'd like you to
24 try and open this document on your phone,
25 please.

1 A. I will try one more time. I
2 told you before it did not work.

3 Q. I'd like you to try one more
4 time. Thank you.

5 A. Okay. It goes to download but
6 it doesn't open. I have the same issue all
7 the time. I was trying to get the guy's
8 computer here but I can't -- I'm not in my
9 office today. So my office is not usable.
10 So my computer, it does not go.

11 Q. If it doesn't open, it doesn't
12 open, Mr. Kaufman. That's fine. I just
13 wanted you to try one more time. You're
14 unable to open the document, correct?

15 A. At the moment it's not working,
16 no. Something is wrong.

17 Q. Do you recall ever asserting
18 during the RS Old Mill bankruptcy
19 proceeding that RD was owed \$12.5 million?

20 A. I don't remember details I told
21 you.

22 Q. You don't remember any details
23 about any part of the 25 Old Mill
24 transaction that occurred in 2017, is that
25 correct?

1 A. At the moment I don't remember
2 details, no.

3 Q. Will you remember details
4 tomorrow?

5 A. I don't know. I have to -- I
6 don't remember. I don't know.

7 Q. Did you remember details
8 yesterday?

9 MR. FRECHETTE: Objection.

10 A. Hello?

11 Q. Yes, I'm here. Can you see my
12 screen?

13 A. I see your screen. I don't
14 remember. I don't remember it. I told you
15 before I don't remember.

16 Q. Do you recall signing this
17 document on December 15, 2019?

18 A. If I signed, it was probably
19 done, but I don't remember the details I
20 told you.

21 Q. It says in paragraph 1, "RS Old
22 Mills Road, LLC never received \$12.5
23 million from the closing between itself and
24 Suffern Partners." Does that help refresh
25 your recollection as to --

1 A. Not at the moment.

2 Q. -- whether you -- does that
3 help refresh your recollection as to
4 whether you ever claimed during the RS Old
5 Mill bankruptcy proceeding that RD was owed
6 \$12.5 million?

7 A. As I told you before, I don't
8 remember.

9 Q. Do you recall if RD filed a
10 claim in the Old Mill bankruptcy
11 proceeding?

12 A. I don't remember offhand the
13 details now.

14 Q. Do you recall signing
15 affirmations that were filed on RD's behalf
16 during the Old Mill bankruptcy?

17 A. If my signature was there, I
18 signed. But I don't remember details I
19 told you now. And I don't have the copy.
20 So I have to see the copy. When I see it
21 I'll be able to tell you details.
22 Possibly, if I remember. But at the moment
23 I don't remember.

24 MR. GRABLE: Why don't we take
25 a break. It's 12:43 p.m. We've been

1 running for a little while, albeit
2 quite slowly.

3 Q. Mr. Kaufman, if we e-mail you
4 documents during the break, do you have any
5 ability to print documents, view documents,
6 have access to documents?

7 A. I told you I'm going to try to
8 do it, but I'm not next to my computer.
9 And I have to see if I could get the
10 computer in the office over here. I'll
11 see. I don't promise but I'll try to do
12 whatever I can.

13 Q. Do you have any ability to come
14 to Manhattan to pick up hard copy
15 documents?

16 A. Not at the moment.

17 Q. And if we have --

18 A. I told you I'll see what I can
19 do. I'll be on break now, let me see what
20 I can do with copies. I have to try. And
21 I can't do it at the same time I'm on the
22 phone because I can't put you on hold. So
23 it's not a proper thing. So.

24 MR. GRABLE: Let's go off the
25 record. It's 12:45 p.m.

1 (Whereupon, a short recess was
2 taken.)

3 MR. GRABLE: Good afternoon.
4 It's 1:40 p.m. We had taken a lunch
5 break. We were expecting to be back
6 on at 1:30. The witness has not yet
7 returned, although all counsel are
8 present again. We will continue to
9 wait for him.

10 MR. FRECHETTE: To be clear,
11 the witness said he would do his best
12 to get back by 1:30. He's
13 endeavoring to find a computer.

14 MR. GRABLE: We will wait for
15 him. Thank you.

16 MR. FRECHETTE: Understood. We
17 have, by the way, e-mailed him.

18 (Whereupon, a short recess was
19 taken.)

20 BY MR. GRABLE:

21 Q. Mr. Kaufman, welcome back. You
22 can hear us okay?

23 A. So far, so good.

24 Q. Is David Solomon a consultant
25 to RD?

1 A. What?

2 Q. Is David Solomon a consultant
3 to RD?

4 A. I've consulted with him in the
5 past.

6 Q. What have you consulted with
7 him on?

8 A. Certain details. Certain
9 things. I don't remember exactly about
10 what, but certain things I consulted with
11 him in the past the whole time.

12 Q. For what purpose do you consult
13 with him?

14 A. What do you mean "what
15 purpose"?

16 Q. Well, David Solomon is not an
17 owner of RD, correct?

18 A. No.

19 Q. And David Solomon is not an
20 officer of RD, correct?

21 A. No.

22 Q. And David Solomon is not a
23 member of RD, correct?

24 A. Okay.

25 Q. And David Solomon is not an

1 employee of RD, correct?

2 A. Okay. No.

3 Q. So what issues surrounding RD
4 are you consulting with David Solomon on?

5 A. At the moment I don't remember
6 specific things. I needed help and he's
7 familiar with the case so I spoke to him.
8 But I don't remember exactly details.

9 Q. Does Mr. Solomon serve as a
10 middleman between you and Yehuda Solomon?

11 A. He's a what?

12 Q. Does David Solomon help
13 coordinate communication between you and
14 Yehuda Solomon?

15 A. He just helped me. I told you
16 I don't remember exactly what. He helped
17 me out.

18 Q. What does that mean? He helps
19 you with what?

20 A. Understanding certain things.

21 Q. What types of things?

22 A. The whole situation. I don't
23 remember at the moment now.

24 Q. What situation?

25 A. On the whole deal, on the --

1 what happened, on certain things. But I'm
2 telling you I don't recall now what he
3 helped me out.

4 Q. Well, you've consulted with him
5 just this morning, right? You were with
6 him?

7 A. This morning I was --

8 MR. FRECHETTE: Objection.

9 That's a compound question.

10 Q. Did you consult with David
11 Solomon this morning?

12 MR. FRECHETTE: Objection. You
13 can answer, Mr. Kaufman.

14 A. Okay, I told you he was there
15 because he was helping me with language and
16 everything because he wanted -- he should
17 be out, he was helping me with things I
18 didn't understand. But that's it. Since
19 the morning he left also. He was not
20 consulting the whole time.

21 Q. Do you know if David Solomon
22 ever signed an affirmation to be filed in
23 connection with the court proceeding?

24 A. I don't know.

25 Q. If David Solomon had submitted

1 an affirmation, would you have asked him to
2 do that?

3 A. I told you I don't know. I
4 told you -- you asked me something a minute
5 ago, I told you I don't know. I should ask
6 you that. If I don't know, I don't know.
7 How should I ask him to do it?

8 Q. Would you agree that you don't
9 seem to know anything about RD and its
10 operations?

11 MR. FRECHETTE: Objection.

12 Q. You can answer.

13 A. Hello? I don't remember or
14 recall things. I don't remember certain
15 things. I just looked at papers also, but
16 if I remember everything? I don't remember
17 everything. I have to look it over.

18 Q. So you don't recall a single
19 attorney that you've coordinated with in
20 regards to the 2017 sale transaction,
21 correct?

22 A. The what?

23 Q. You don't recall any attorney
24 that represented RD for the 2017
25 transaction, correct?

1 A. I didn't say anything. I told
2 you I don't remember certain things.
3 That's what I told you.

4 Q. Do you remember any attorney
5 that was involved in that transaction?

6 A. There's a few things -- I don't
7 remember exactly. I don't remember. I
8 don't remember details. As I told you this
9 before.

10 Q. You can just answer no if the
11 answer is no. I'll ask the question again.
12 Do you remember any attorney that was
13 involved --

14 A. I told you I don't remember.

15 Q. Do you remember any attorney
16 that was involved in the 2017 transaction?

17 A. I don't remember.

18 Q. And you were not personally
19 involved in that 2017 transaction, correct?

20 A. I was involved with -- from
21 outside, but I wasn't involved -- I was
22 involved but not in daily things.

23 Q. What was your involvement?

24 A. As you asked me before, it was
25 for the -- going over for the RD. The

1 details I don't remember.

2 Q. Does Yehuda Solomon direct you
3 what to do with respect to RD?

4 A. Again?

5 Q. Does Yehuda Solomon give
6 direction to you to take actions on behalf
7 of RD?

8 A. No, not Yehuda Solomon.

9 Q. Who gives you direction to take
10 action on behalf of RD?

11 A. I told you I had some people
12 help me that was involved, a few people.
13 But I don't remember exactly now the
14 details.

15 Q. Do you remember any of the
16 individuals that helped you?

17 A. Not at the moment.

18 Q. When is the last time you spoke
19 to Yehuda Solomon about this litigation?

20 A. I don't remember.

21 Q. Was it within the last week?

22 A. I don't remember. Not that I
23 recall. I don't remember. No.

24 Q. Do you think you spoke with him
25 in the last month about this litigation?

1 A. No.

2 Q. Have you spoken to Yehuda
3 Solomon at all in 2021 about this
4 litigation?

5 A. I don't remember. I don't
6 recall.

7 Q. Have you ever heard of an
8 entity called Lone Pine?

9 A. Hello?

10 Q. Yes. Have you ever heard of an
11 entity called Lone Pine?

12 A. I don't recall. I don't
13 remember. I don't remember the
14 information.

15 Q. Have you ever heard of an
16 entity called Beauty Brags?

17 A. I don't remember. I don't
18 recall.

19 Q. What business is David Solomon
20 in?

21 A. I don't know. I don't do any
22 business with him. It's a private
23 business, so I don't know.

24 Q. Is David Solomon employed?

25 A. If you want to ask him. I

1 don't know. I don't know what he does.

2 Q. You were just with him this
3 morning driving around and you don't know
4 what David Solomon does?

5 A. No. Why should I know what
6 David Solomon does because I was with him
7 this morning? I'm in somebody's office now
8 also and don't know what he does.

9 Q. David Solomon submitted an
10 affidavit on behalf of RD in this
11 litigation. So you must know something
12 about him, correct?

13 A. As I told you, I don't know
14 exactly what he does. I don't know exact
15 details. I don't know. I never asked.

16 Q. You know where David Solomon
17 lives, correct?

18 A. Yes.

19 Q. Does David Solomon work in
20 Brooklyn?

21 A. Sometimes maybe he's here a lot
22 of times. I don't know. I don't know
23 details.

24 Q. Does David Solomon sell goods
25 through the Amazon platform?

1 A. I told you I don't know.

2 Q. Who did you coordinate with in
3 commencing this lawsuit?

4 A. I don't remember. I don't
5 remember details, no.

6 Q. Prior to preparing for this
7 deposition, did you ever have a direct
8 conversation with any of the attorneys that
9 represented RD?

10 A. I don't remember. I don't
11 recall.

12 Q. Other than some e-mails that
13 you spoke to earlier, does RD maintain any
14 documents?

15 A. I don't recall. I don't
16 recall.

17 Q. Are you aware that RD produced
18 documents in connection with this
19 litigation?

20 A. What kind of documents?
21 Explain to me what kind of documents are
22 you talking about?

23 Q. Are you aware that RD produced
24 documents in connection with this
25 litigation?

1 A. I'm not familiar exactly.

2 Q. Have you ever reviewed any
3 closing statements rendered in conjunction
4 with the 2017 transaction?

5 A. I don't remember exactly
6 details.

7 Q. You indicated earlier that
8 after the 2017 transaction closed, you
9 contacted Yehuda Solomon to ask about the
10 transaction, correct?

11 A. The what? Again?

12 Q. Let me ask it a different way.
13 You allege now that RD is owed \$30 million,
14 correct?

15 A. Okay.

16 Q. Is that a "yes"?

17 A. I'm trying to -- what are
18 you -- I'm trying to -- you asked me three
19 questions of the same thing. I'm trying to
20 figure out what are you referring me. To?

21 Q. You don't have to figure it
22 out. You just have to answer my questions.

23 A. You asked me two questions.

24 Q. I'll say it again. Do you
25 allege now that RD was owed \$30 million in

1 conjunction with the 2017 transaction?

2 A. I don't remember exactly the
3 numbers. They're owed a lot of money, yes.
4 Don't catch me on numbers, on details.

5 Q. So you're not certain what RD
6 is owed in conjunction with the 2017
7 transaction, correct?

8 A. At the moment I don't remember
9 details.

10 Q. Why do you believe RD is owed
11 anything in conjunction with the 2017
12 transaction?

13 A. I told you I don't remember
14 details. I have to look it -- I don't
15 remember details.

16 Q. Do you have any documents that
17 support your allegation that RD is owed
18 money from Suffern Partners, LLC?

19 A. I told you I don't remember
20 details now.

21 Q. So is it correct that you have
22 no documents that support --

23 A. I didn't say I have no
24 documents. I don't know I told you. I
25 don't remember details.

1 Q. Do you remember anything?

2 Forget details, do you remember anything
3 about the 2017 transaction?

4 A. Yes. I told you I remember he
5 came over to me. I told you this already.
6 But I don't remember details.

7 Q. So other than asking to do a
8 favor for Yehuda Solomon, do you remember
9 anything else about RD's involvement in the
10 2017 transaction?

11 A. I don't remember -- I don't
12 remember exactly details, but there's some
13 stuff. I don't remember by having a lot of
14 details exactly. But I was aware of '17 --
15 after -- I don't recall. I don't have it
16 in front of me so I don't know.

17 Q. Are you familiar with the name
18 Joseph Paukman? P-A-U-K-M-A-N?

19 A. I remember hearing the name. I
20 don't remember anything he was involved. I
21 don't remember details.

22 THE REPORTER: I'm sorry, can
23 you give me the answer again?

24 A. I said I remember hearing that
25 name. I don't remember details.

1 Q. Have you ever met Joseph
2 Paukman?

3 A. I don't remember. I don't
4 recall. I don't remember.

5 Q. Do you know what Joseph Paukman
6 does for a living?

7 A. I told you I don't remember.

8 Q. You just recall hearing the
9 name, correct?

10 A. I told you I hear the name but
11 I don't remember exact details.

12 Q. Did you ever sign an
13 irrevocable letter of direction in
14 connection with the 2017 transaction?

15 A. I don't understand the
16 question.

17 Q. You don't understand the
18 question?

19 A. No.

20 Q. Did Thomas Landrigan serve as
21 the escrow agent for RD in connection with
22 the 2017 transaction?

23 A. Who is that?

24 Q. Thomas Landrigan.

25 A. I don't know which one you're

1 talking about. I don't remember what
2 you're talking about. So you have to be
3 like -- I don't know what you're talking
4 about.

5 Q. Have you heard the name Thomas
6 Landrigan before today?

7 A. Yes.

8 Q. When do you recall hearing the
9 name Thomas Landrigan?

10 A. By the -- when I helped Yehuda.
11 But I never met this guy. Just they told
12 me he's on the phone. But I don't remember
13 details.

14 Q. Did you ever sign any documents
15 for Thomas Landrigan?

16 A. I signed -- no, I signed
17 documents for the people that came to do
18 the -- for the finance for Yehuda Solomon.

19 Q. And you signed those documents
20 at the request of Yehuda Solomon, correct?

21 A. At the request of them with him
22 on the phone.

23 Q. So Yehuda Solomon asked you to
24 sign those documents, correct?

25 A. I didn't say that. I said

1 these two people came down to me and they
2 asked me to sign papers for Yehuda Solomon
3 to finance.

4 Q. So Yehuda Solomon and two other
5 individuals asked you to sign documents for
6 Yehuda Solomon's benefit, correct?

7 A. It was a company that I signed
8 and they asked me to sign for Yehuda
9 Solomon.

10 Q. And because Yehuda Solomon was
11 on the phone and was also asking, you
12 signed those documents, correct?

13 A. No. I did not say that.

14 Q. What do you recall about that
15 night?

16 A. I remember them coming down to
17 my house asking me to sign that Yehuda
18 needs help for finance.

19 Q. And the first thing you did was
20 pick up the phone and call Yehuda Solomon,
21 correct?

22 A. No.

23 Q. So what did you do when he
24 asked you to sign documents?

25 A. They asked me to sign that

1 Yehuda needs a loan for a debt. So I said
2 I'll do it for him.

3 Q. You signed a document so that
4 Yehuda Solomon could get a loan, is that
5 correct?

6 A. For Yehuda Solomon to get
7 finance, yes.

8 Q. Do you recall what documents
9 you signed?

10 A. I don't remember exactly. I
11 have to look it over. I don't have it in
12 front of me.

13 Q. Other than that one night,
14 which is referenced in your December 16th,
15 2019 affirmation, did you ever sign any
16 other documents in connection with the
17 financing for Yehuda Solomon?

18 A. I don't remember.

19 Q. Have you ever heard of an
20 entity named Riverside Abstract?

21 A. I heard something about it, but
22 I don't recall exactly.

23 Q. Did you cause RD to deliver any
24 documents to Riverside Abstract in
25 connection with the 2017 transaction?

1 A. I don't remember the documents
2 in the moment.

3 Q. Other than signing documents as
4 requested by two individuals and Yehuda
5 Solomon, you had no personal involvement in
6 the 2017 transaction, correct?

7 A. I don't remember details what
8 it was, but it was done -- I did it for --
9 that's how it started.

10 Q. Did RD ever hold a deed to the
11 property for 25 Old Mill?

12 A. I don't remember. I told you I
13 don't have the papers in front of me, I
14 don't remember details. I told you I don't
15 remember details.

16 Q. Did you ever capitalize RD with
17 any money?

18 A. If I what?

19 Q. Did you ever make any
20 investment in RD?

21 A. I told you I don't remember
22 details about it.

23 Q. Is RD just a shell company?

24 MR. FRECHETTE: Objection.

25 Q. You can answer. Is RD just a

1 shell company?

2 A. RD was the loan or something.

3 But no, I don't remember details I told you
4 now.

5 Q. Have you ever e-mailed with
6 David Solomon regarding the 2017
7 transaction?

8 A. I don't recall. I don't
9 remember.

10 Q. Have you ever e-mailed with
11 Marty Stern regarding the 2017 transaction?

12 A. I don't remember.

13 Q. Have you ever e-mailed with
14 Moshe Stern concerning the 2017
15 transaction?

16 A. I don't recall. I don't
17 remember.

18 Q. Have you ever e-mailed with
19 Moses Stern regarding the 2017 transaction?

20 A. I don't recall. I don't
21 remember.

22 Q. Does RD have an accounting firm
23 that they use?

24 A. I'm not familiar -- I don't
25 know.

1 Q. Does RD maintain any financial
2 books and records?

3 A. I don't know. I don't know
4 details. I don't think so because there's
5 nothing doing in there, but I don't know,
6 it's not in front of me.

7 Q. Has RD ever filed a tax return?

8 A. I just told you I don't
9 remember. I don't recall details.

10 Q. Have you ever on your personal
11 tax returns identified income related to
12 the RD operations?

13 A. I told you I don't remember
14 details about it.

15 Q. Do you recall signing proofs of
16 claim to be filed in the Suffern bankruptcy
17 case on RD's behalf?

18 A. I told you I don't remember. I
19 told you I don't remember details. I don't
20 have papers in front of me, I don't
21 remember details.

22 Q. You don't recall submitting a
23 proof of claim for \$30 million in the
24 Suffern bankruptcy case?

25 A. I don't remember details now.

1 Q. Less than a month ago a proof
2 of claim was filed on behalf of RD in the
3 Suffern bankruptcy case. Are you aware of
4 that?

5 A. I told you at the moment I
6 don't remember details. I have to see the
7 papers. I don't know.

8 Q. Were you able to access your
9 e-mail and documents during the lunch
10 break?

11 A. Yes.

12 Q. If we e-mail you documents now,
13 are you able to view them?

14 A. No. Because it's not my
15 computer. I printed out whatever I was
16 sent, but I do not have access to the
17 computer now.

18 Q. Have you ever identified any
19 losses of RD on your personal tax returns?

20 A. I told you I don't remember. I
21 don't know.

22 Q. You have no knowledge
23 concerning whether RD filed a proof of
24 claim in the Suffern Partners bankruptcy
25 proceeding?

1 A. I don't remember details now.

2 MR. FRECHETTE: Objection.

3 Q. Who is your personal
4 accountant?

5 A. I don't have a personal
6 accountant.

7 Q. You don't have a personal
8 accountant?

9 A. No.

10 Q. Did you file a tax return for
11 2020?

12 A. That's my business. The
13 business takes care of that.

14 Q. Your business takes care of
15 filing your personal tax returns, is that
16 correct?

17 A. It goes to the accountant, yes.

18 Q. I didn't hear that. Who is the
19 accountant?

20 A. It's nothing to do with this
21 business, so.

22 Q. That's not the question. The
23 question is who is your accountant?

24 A. It's nothing to do with the
25 business. So it's for my business. It's

1 nothing to do with this, so.

2 Q. Well, you're a sole member of
3 an LLC and any losses or gains there may be
4 tax consequences. So it is relevant and
5 I'll ask the question again. Who is your
6 personal accountant?

7 A. My personal accountant is for
8 the business, as I said. It's the same
9 accountant as my business.

10 Q. So who is your accountant for
11 your business?

12 A. Somebody Kaufman.

13 Q. Somebody Kaufman?

14 A. Yes, a company name.
15 Accountants. I don't know the name.

16 Q. Have you ever received a K1 for
17 RD?

18 A. I don't recall.

19 Q. Why did you not show up for
20 your deposition earlier this year when we
21 were before the state court?

22 A. I was away. I don't remember.

23 Q. Were you aware that there was a
24 deposition noticed for this proceeding when
25 it was before the state court?

1 A. I don't remember details for
2 you.

3 Q. Are you aware that David
4 Solomon was noticed for a deposition as a
5 representative of --

6 A. I told you -- no.

7 Q. Are you aware that David
8 Solomon was noticed for a deposition as a
9 representative of RD when this matter was
10 before the state court?

11 A. I don't remember.

12 Q. Do you know whether David
13 Solomon has ever been deposed in connection
14 with this matter?

15 A. I don't know.

16 Q. Are you aware that the costs
17 were awarded against RD for its failure to
18 appear for depositions when we were before
19 the state court?

20 A. I don't know.

21 Q. You don't know if you're aware
22 that costs were awarded against RD --

23 A. I don't remember. I told you I
24 don't remember any details about it.

25 Q. Have you ever heard the name

1 Steven Stern?

2 A. I don't recall.

3 Q. Other than Locke Lord, do you
4 remember any of the other attorneys that
5 have represented RD?

6 A. I don't remember details now.

7 Q. Are you aware that Locke Lord
8 has filed a request to withdraw as RD's
9 counsel in this litigation?

10 A. Something I hear but I don't
11 know details.

12 Q. Did you hear about that from
13 someone other than Locke Lord?

14 A. No. I hear it from Locke Lord.
15 But I don't know details.

16 MR. FRECHETTE: Mr. Kaufman, do
17 not discuss anything that you spoke
18 to counsel about.

19 MR. GRABLE: Let's take a break
20 until 2:30. Don, I think we're
21 pretty close. I just want to go over
22 my notes and make sure we hit
23 everything.

24 MR. FRECHETTE: Okay, thank
25 you.

1 (Whereupon, a short recess was
2 taken.)

3 BY MR. GRABLE:

4 Q. Mr. Kaufman, other than the
5 Locke Lord firm, have you spoken with
6 anyone else during any of the breaks of
7 this deposition?

8 A. No.

9 Q. Have you spoken at all with
10 David Solomon since this morning?

11 A. No.

12 Q. Have you spoken at all with
13 Yehuda Solomon today?

14 A. I answered this already before,
15 but no. Have I spoke to him again, no.

16 Q. RD has never had a bank
17 account, correct?

18 A. No.

19 Q. RD has never had any
20 operations, correct?

21 A. I don't recall, so no.

22 Q. RD has no books and records,
23 correct?

24 A. I don't know.

25 Q. Where in RD's books and records

1 does it show a receivable of \$30 million
2 for the 2017 transaction?

3 A. I told you I don't have
4 information in front of me. I don't recall
5 details now. I don't have information in
6 front of me.

7 Q. From 2017 through today, have
8 you ever received a K1 from RD?

9 A. I don't recall.

10 Q. If you receive \$30 million
11 today from Suffern, where would that money
12 go?

13 A. That's with the lawyer. I
14 don't know. I can't answer that.

15 MR. GRABLE: I didn't hear that
16 answer, Ms. Reporter. Can you read
17 that back.

18 A. I don't know. I can't answer
19 that.

20 Q. But you allege you're owed
21 \$30 million, correct?

22 A. I don't know exactly how much,
23 but I told you I can't answer that.

24 Q. You allege you're owed
25 something from Suffern Partners, correct?

1 A. Yes.

2 Q. Is it more than a million
3 dollars?

4 A. I don't remember. I don't
5 recall how much it is. It's more, but I
6 don't remember how much it is.

7 Q. You allege that RD is owed more
8 than a million dollars from Suffern
9 Partners, correct?

10 A. I don't recall.

11 Q. If RD received any monies today
12 from anyone, where would that money go?

13 A. I don't know. To a lawyer or
14 something, I don't know.

15 Q. Why would money received by RD
16 go to a lawyer?

17 A. Again?

18 Q. Why would money received by RD
19 go to a lawyer?

20 A. Because we don't have -- it
21 doesn't have a bank account, as I told you
22 before, so.

23 Q. And what would the lawyer do
24 with the money? Where would it go?

25 A. I don't know. I can't answer

1 that as of now.

2 Q. If RD received \$30 million
3 today, would you call Yehuda Solomon to ask
4 him what to do with the money?

5 A. I can't -- I don't know. I
6 can't answer you that.

7 Q. If RD received \$30 million
8 today, would it issue a K1 to you?

9 A. No.

10 Q. And you have no knowledge of
11 the proofs of claim that RD filed in
12 connection with Suffern Partners'
13 bankruptcy proceeding, correct?

14 A. What are you talking about?

15 Q. Do you know what a proof of
16 claim is?

17 A. What is that? What are you
18 talking -- what is that?

19 Q. I'm not answering questions,
20 Mr. Kaufman, but I can help you understand
21 my question.

22 A. I'm trying to --

23 Q. Are you aware --

24 A. I --

25 Q. Do you know what a proof of

1 claim is in a bankruptcy proceeding?

2 A. I know something -- it's called
3 bankruptcy proceeding. I'm asking you for
4 when that is because I don't know what
5 you're talking about.

6 Q. At any time has RD filed a
7 proof of claim --

8 A. I don't remember.

9 Q. You have no knowledge of RD at
10 any time having filed a proof of claim in
11 the Suffern Partners bankruptcy proceeding,
12 is that correct?

13 A. I told you I don't have the
14 papers in front of me. I don't know
15 details now. I told you before. I don't
16 have any papers. I have to look at all my
17 papers and look it over. I don't have
18 anything in front of me.

19 Q. You're on mute again.

20 MR. GRABLE: Don, I have no
21 further questions at this time.
22 We're going to reserve all rights,
23 obviously, given some of the
24 technological issues we've had and
25 the inability, frankly, to show

1 documents to Mr. Kaufman. I don't
2 know if Pat or you have any
3 questions.

4 MR. FRECHETTE: Since you've
5 left the deposition open, I don't
6 think it's appropriate for us to ask
7 questions yet.

8 MR. GRABLE: I am not leaving
9 the deposition open. I am closing
10 the deposition. I am reserving all
11 rights to make applications to the
12 court if necessary for any and all
13 relief against this witness, your
14 firm and any other relief that we
15 think might be appropriate in light
16 of the circumstances here.

17 MR. FRECHETTE: Okay. Can you
18 state the basis for that?

19 MR. GRABLE: I'm not going to
20 do that on the record, Don. I'm
21 happy to talk to you after the
22 deposition.

23 Patrick Healey or Don
24 Frechette, do you have any questions
25 for the witness at this time?

1 MR. FRECHETTE: Just to be
2 clear, I've asked you to state what
3 the basis for your reservation is so
4 that we might be able to rectify it.
5 And you will not tell us.

6 MR. GRABLE: I don't think
7 that's accurate, Don. The issue
8 is --

9 MR. FRECHETTE: All right, so
10 I'm asking.

11 MR. GRABLE: The issue that
12 we've had is that I'm not able to
13 show the witness documents because
14 despite us agreeing to this
15 deposition five weeks ago, when he
16 logged on he was in a moving vehicle
17 with a phone and no ability to view
18 any documents. And also because you
19 wouldn't provide me an address
20 beforehand and take me up on my offer
21 to provide hard copies. It's a
22 significant limitation. I worked
23 through it as best as I can.

24 I'm not sure that we're going
25 to need to redepose Mr. Kaufman in

1 any way. But if at some point that
2 becomes necessary, I reserve the
3 right to make an application to the
4 court.

5 MR. FRECHETTE: That's fine.
6 We respectfully disagree with your
7 latter assertion that we would not
8 provide you with an address.

9 MR. GRABLE: Don, I have an
10 e-mail from you that says you're
11 unable to provide an address for
12 Mr. Kaufman, is that not correct?

13 MR. FRECHETTE: The e-mail says
14 what the e-mail says. I'm not going
15 to attempt to recharacterize it. I
16 disagree with the way you
17 characterized my e-mail.

18 MR. GRABLE: Fair enough. You
19 and I don't need to pepper the record
20 with this fight. We can do that
21 before the court.

22 MR. FRECHETTE: That sounds
23 good, thank you.

24 MR. GRABLE: Don, you have no
25 questions for the witness then?

1 MR. FRECHETTE: Not at this
2 time.

3 MR. GRABLE: And Mr. Healey, no
4 questions for the witness?

5 MR. HEALEY: None.

6 MR. GRABLE: At this point
7 we'll close the deposition. Thank
8 you.

9 (Whereupon, at 2:40 P.M., the
10 examination of this witness was
11 concluded.)

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1 D E C L A R A T I O N

2

3 I hereby certify that having been
4 first duly sworn to testify to the truth, I
5 gave the above testimony.

6

7 I FURTHER CERTIFY that the foregoing
8 transcript is a true and correct transcript
9 of the testimony given by me at the time
10 and place specified hereinbefore.

11

12

13

14

AVROHOM KAUFMAN

15

16

17

Subscribed and sworn to before me

18

19 this _____ day of _____ 20____.

20

21

NOTARY PUBLIC

22

23

24

25

1 E X H I B I T S

2 DEFENDANT EXHIBITS

3 EXHIBIT EXHIBIT PAGE
NUMBER DESCRIPTION

4

1 November 28, 2016 Agreement
Of Sale 74

2 November 29, 2016 Agreement
Of Assignment 76

7

3 Contract of Sale, RS Old Mills
Rd, LLC and Suffern Partners LLC 82

4 September 5, 2017 Bargain and
Sale Deed 89

10

5 Claimant's Response to Trustee's
Objections to Claim 26-1 91

6 December 16, 2019 Affirmation 94

7 Request for Consideration 97

14

(Exhibits accompany the transcript.)

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16

17

18

I N D E X

19

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20

MR. GRABLE 36

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1 C E R T I F I C A T E

2

STATE OF NEW YORK)

3 : SS.:

COUNTY OF ALBANY)

4

5 I, SUZANNE PASTOR, a Notary Public
6 for and within the State of New York, do
7 hereby certify:

8 That the witness whose examination is
9 hereinbefore set forth was duly sworn and
10 that such examination is a true record of
11 the testimony given by that witness.

12 I further certify that I am not
13 related to any of the parties to this
14 action by blood or by marriage and that I
15 am in no way interested in the outcome of
16 this matter.

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this day, August 27, 2021.

19

20

21 -----
SUZANNE PASTOR

22

23

24

25